

RESUME

Nancy J. Leathers, AICP
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| | | |
|-------------------|-----------------------------|---|
| Employment | October 2005-Present | CH2MHill (City of Sandy Springs Director, Community Development) |
| | September 2002-October 2005 | Executive Director Sandy Springs Revitalization, Inc., Sandy Springs, GA |
| | July 2000 – December 2004 | The Collaborative Firm, LLC East Point, GA |
| | April 1980- June 2000 | Fulton County Department of Environment and Community Development, Atlanta, GA Director (1991-2000) Deputy Director (1985-1991) |
| | June 1978-March 1980 | Planner, John J. Harte Assoc. Atlanta, GA |
| | October 1973-June 1975 | Planner, Eric Hill Assoc. Atlanta, GA |
| | January 1967-June 1973 | Planner, Department of City Planning, Los Angeles, CA |
| | June 1964-August 1966 | Planner, Chicago Area Transportation Study, Chicago, IL |

PLAINTIFF'S
EXHIBIT

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| | | |
|--------------------------------------|--|---|
| Education | June 1966 | Master of Arts, University of Chicago |
| | March 1963 | Bachelor of Arts University of Minnesota |
| Professional Affiliations | <p>American Institute of Certified Planners American Planning Association Georgia Planning Association Georgia Association of Zoning Administrators Planning Accreditation Board Site Visitor (American Institute Of Certified Planners) Congress for New Urbanism Leadership Sandy Springs Sandy Springs Conservancy, Board of Directors Greater North Fulton Chamber of Commerce</p> | |

ADOPTED BY MAYOR AND CITY COUNCIL, DECEMBER 27, 2005

ARTICLE XVIII

OFF STREET PARKING AND LOADING

18.1 SCOPE.

The location, design and quantity of off-street parking and loading facilities for every use located in Sandy Springs shall comply with requirements herein.

18.2 PARKING SPACES REQUIRED.

Every use shall be served by off-street parking spaces as specified below. Parking spaces shall serve only the designated use and shall be located on the same lot as the use unless another location is authorized in accordance with other provisions of this Zoning Ordinance.

18.2.1 BASIC OFF-STREET PARKING REQUIREMENTS. Parking requirements shall be calculated based on the proportion that each use contributes to the total. All areas are expressed in gross square feet of building area unless ground area or some other measure is specified. Any fraction of one-half or larger shall constitute a whole. A bench seat shall consist of 18 inches.

| USE GROUP | EXAMPLE OF TYPES OF USE | MINIMUM REQUIREMENT |
|--|--|---|
| All areas are expressed in spaces per GROSS SQUARE FEET OF BUILDING AREA <u>unless GROUND AREA or some other measure is specified.</u> | | |
| Adult Entertainment Establishments | | 10 per 1000 sq. ft. |
| Assembly Places with Fixed Seating | stadiums auditoriums theaters amphitheaters | one per 4 fixed seats |
| Assembly Places without Fixed Seating | meeting halls libraries | one per 35 sq. ft. in largest assembly room |
| Auto Dealerships, Sales & Service | new car sales used car sales service & parts | 6.5 per 1000 sq. ft. |

Zoning Ordinance
City of Sandy Springs

Text revised to incorporate amendments through 10/20/09

R 000731



| USE GROUP | EXAMPLE OF TYPES OF USE | MINIMUM REQUIREMENT |
|--|--|---|
| All areas are expressed in spaces per GROSS SQUARE FEET OF BUILDING AREA <u>unless</u> GROUND AREA or some other measure is specified. | | |
| Bowling Alley | | 5 per alley |
| Child Care Kindergarten | day care centers pre-school | 1.7 per 1000 sq. ft. + one per 4 employees on the largest shift |
| Churches and Other places of Worship Without Fixed Seating | churches cathedrals temples | one per 3.5 fixed seats in the largest assembly area one per 30 sq. ft. in largest assembly are |
| <u>Clubs and Lodges</u> | country clubs fraternal organizations | 5 per 1000 sq. ft. |
| Club with Golf Course | | 50 per 9 holes + one per 1000 sq. ft. |
| Commercial, Amusement, Outdoor | amusement parks skateboard parks batting cages | 1 per 4 fixed seats or one per 35 sq. ft. of floor area used for moveable seats; plus 10 per 1000 sq. ft. of ground area identified for recreation and assembly |
| Custodial Care | halfway houses | 2.5 per 1000 sq. ft. |
| Dormitories and Related | dormitories fraternity houses sorority houses boarding houses | one per bedroom + 5 per 1000 sq. ft. of common area |
| Festivals, Outdoor | horseshows carnivals dogs shows arts and crafts shows | 2 per 1000 sq. ft. of ground area identified for festivals and music festivals related seating |
| Financial Institutions | banks credit unions brokerage houses | 5 per 1000 sq. ft. |
| Funeral Homes | | one per 3 fixed seats + one for each 25 sq. ft. in the largest assembly room |
| Golf Course, Public and Private, | | 50 spaces per 9 holes |

| USE GROUP | EXAMPLE OF TYPES OF USE | MINIMUM REQUIREMENT |
|--|--|---|
| All areas are expressed in spaces per GROSS SQUARE FEET OF BUILDING AREA <u>unless</u> GROUND AREA or some other measure is specified. | | |
| Without Club Facilities | | |
| Health Care Facilities | hospitals out-patient clinics convalescent home nursing home | one per four beds + one per 3 employees |
| Hotels & Motels, No Restaurants | apartment hotels hotels motels | one per room |
| With Restaurants | | 1.25 per room |
| Industrial and Manufacturing | assembly plants fabrication plants factories | one per 1000 sq. ft. |
| Laboratories, Scientific & Related | experimental labs fabrication plants factories | 2.5 per 1000 sq. ft. |
| Medical Offices Related Facilities | dental offices doctor's offices veterinary offices clinics | 4 per 1000 sq. ft. |
| Mini-warehouses | | 1 per employee + 1 per 5000 sq. ft. |
| Offices, General | freestanding offices office towers office parks offices assoc. with other uses | 3 per 1000 sq. ft. to 250,000 sq. ft.; 2.8 per 1000 sq. ft. all exceeding 250,000 sq. ft. |
| Personal Service Establishments | barber shops beauty parlors Laundromats dry cleaners | 5 per 1000 sq. ft. |
| Race Track | | one per 4 fixed seats or one per 35 sq. ft. of floor area used for moveable seats, + 10 per 1000 sq. ft. of other spectator area. |

| USE GROUP | EXAMPLE OF TYPES OF USE | MINIMUM REQUIREMENT |
|--|---|--|
| All areas are expressed in spaces per GROSS SQUARE FEET OF BUILDING AREA <u>unless</u> GROUND AREA or some other measure is specified. | | |
| Recreational Facilities, Indoor | billiard parlors game rooms arcades skating rinks physical fitness centers museums | 5 per 1000 sq. ft. |
| Recreation, Private | | |
| Single-family or Mixed Residential Use, Association or Club | tennis court basketball court swimming pool | 3 per court 4 per court 6 per adult swimming pool + 1 per 15 dwelling units beyond 60 served |
| Multi-family Residential | | included in basic parking requirement |
| Recreation, Public | basketball court playing fields tennis courts driving range miniature golf swimming pool | 4 per court 50 per field 3 per court 2 per tee 20 per 18 holes 20 + 1 per 50 sq. ft. of pool area |
| Recycling Center | | 1.5 spaces per 1,000 square feet of building floor area and 2 spaces per outdoor recycling collection container plus loading spaces as specified in Section 18.6.1 |
| Residential, Multi-family (fewer than 40 units/acre) | one bedroom or efficiency unit 2 bedroom unit 3 bedroom unit | 1.4 per unit 2.0 per unit 2.25 per unit |
| Residential Multi-family Highrise (40 + units acre) | one bedroom or efficiency unit 2 bedroom unit 3 bedroom unit | 1.25 per unit 1.75 per unit 2.00 per unit |
| Residential, Single Family | detached dwelling duplexes mobile Homes | 2 per dwelling unit |
| | | |

| USE GROUP | EXAMPLE OF TYPES OF USE | MINIMUM REQUIREMENT |
|--|---|---|
| All areas are expressed in spaces per GROSS SQUARE FEET OF BUILDING AREA <u>unless</u> GROUND AREA or some other measure is specified. | | |
| Residential, Retirement Home | retirement homes retirement village | 1.25 per dwelling unit |
| Restaurants, Nightclubs and Taverns (including outdoor seating) | cafeterias bars dance clubs restaurants music clubs bistros | 10 per 1000 sq. ft. |
| Retail Establishments | boutiques shops stores rental services art galleries food stores | 5 per 1000 sq. ft. |
| Roadside Stand | | 6 + 5 per 1000 sq. ft. ground area |
| Salvage, Storage and/or Junk Facility | | 1 per employee plus 4 per acre |
| Schools | junior high elementary middle secondary colleges business colleges universities trade conservatories vo-tech | larger of 2 per classroom <u>or</u> one per 35 sq. ft. in largest assembly area larger of 10 per classroom <u>or</u> one per 35 sq. ft. in largest assembly area 5 per 1000 sq. ft. |
| Service and Repair Establishments | appliance repair shops bicycle repair shops shoe repair shops general repair centers | 5 per 1000 sq. ft. |
| Service Stations and Automotive Repair Centers | automotive garages paint and body shops | 5 per 1000 sq. ft. |

| USE GROUP | EXAMPLE OF TYPES OF USE | MINIMUM REQUIREMENT |
|--|--|----------------------|
| All areas are expressed in spaces per GROSS SQUARE FEET OF BUILDING AREA <u>unless</u> GROUND AREA or some other measure is specified. | | |
| | tire centers service stations car care centers | |
| Warehousing and Storage | commercial storage distribution centers | one per 2000 sq. ft. |

18.2.2 SHARED PARKING

The standards for shared parking may be utilized for any of the combinations of uses shown below on any number of properties when approval is reflected in the conditions of zoning for each such property. Similar provisions are provided under OFF-SITE AND SHARED PARKING REQUIREMENTS in the Use Permits article for those uses which were not zoned concurrently or as part of a multiple use project. The conditions of zoning or Use Permit, as applicable, establish the limits of parking requirements among uses and properties, and Sandy Springs shall not require any contractual relationship among property owners.

The standards for determining parking requirements in a multiple use development are:

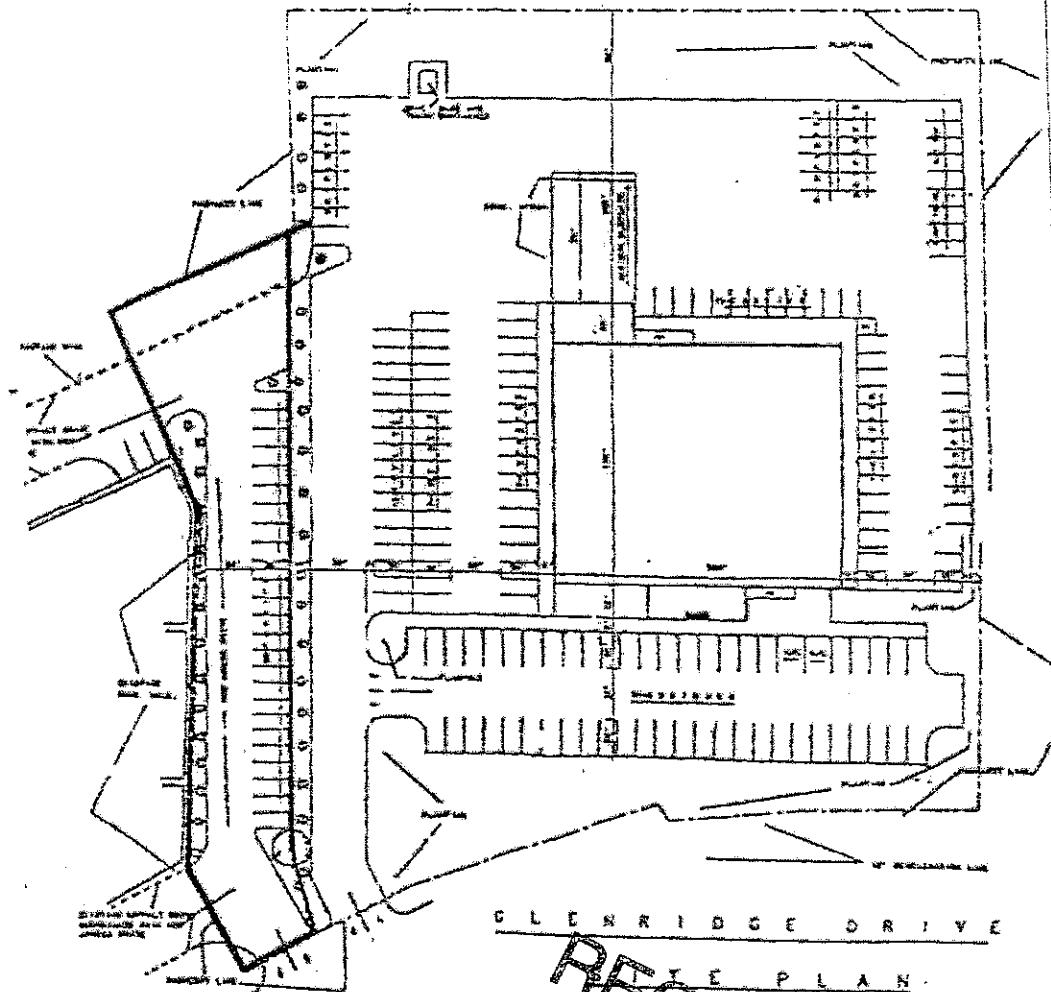
- A. Determine the minimum amount of parking required for each separate use.
- B. Multiply each parking requirement by the corresponding percentage for each of the time periods given below.
- C. Calculate the column total parking requirement for each time period.
- D. The largest column total is the shared parking requirement.

| | WEEKDAYS | | WEEKENDS | | NIGHTTIME |
|--------|----------|---------|----------|---------|-----------|
| | 6 am-5pm | 5pm-1am | 6am-5pm | 5pm-1am | 1am-6am |
| OFFICE | 100% | 10% | 10% | 5% | 5% |
| RETAIL | 60% | 90% | 100% | 70% | 5% |
| HOTEL | 75% | 100% | 75% | 100% | 75% |

RZ09 001

EXHIBIT B

| | |
|-----------|------------------------------|
| REVISIONS | UNITED STATES POSTAL SERVICE |
| 1 | FACILITIES SERVICE OFFICE |
| | ATLANTA, GEORGIA 30346-2799 |
| | FUNCTIONAL DESIGN |
| | UXEDO BRANCH |
| | ATLANTA, GEORGIA |



City of Sandy Springs
Community Development

R 000141



REVISED VERSION ADOPTED BY MAYOR AND CITY COUNCIL, OCTOBER 20, 2009

ARTICLE XXVIII

REZONING AND OTHER AMENDMENT PROCEDURES

28.1. **GENERAL AMENDMENTS.** Whenever the public necessity, convenience, general welfare or good zoning practice justify such action, and after consideration by the City Planning Commission, the City Council may, by resolution, change the regulations set forth in this Zoning Ordinance (text amendment) or amend the City Zoning Map.

In amending the City Zoning Map, the City Council may approve a rezoning petition and/or use permit request or a more restrictive zoning district based on the ranking of City zoning district intensities. The City Council may consider a variance filed concurrently with a rezoning petition and/or use permit request. For purposes of this Article, a rezoning petition shall be deemed to include, if applicable, a variance filed concurrently with a rezoning petition and a use permit request shall be deemed to include, if applicable, a variance filed concurrently with a use permit request.

In approving any rezoning petition and/or use permit request, the City Council shall impose conditions of approval as deemed necessary and appropriate to mitigate potentially adverse influences or otherwise promote the public health, safety or general welfare.

Rezoning petitions, use permit requests and/or concurrent variances are sometimes referred to in this text together as land use petitions and the property owner submitting a land use petition is referred to as the petitioner. An approved use permit request is referred to in this text as a use permit. All land use petitions approved by the City Council are subject to conditions approved by the City Council.

28.2. **LAND USE PETITIONS.** Land use petitions may be initiated by the property owner or the City Council on forms included in the Department's land use petition application package available from the Department.

No final action shall be taken on a land use petition affecting the same parcel more often than one (1) time every twelve (12) months when the petition is initiated by the property owner.

At any time, the City Council may initiate a land use petition on property which was previously rezoned; however, a six (6) month waiting period from the date of the final City Council action is required when a land use petition was previously



2. The mobile home must be located on the same parcel as the principal structure being constructed and comply with all district setbacks.
3. The Administrative Permit shall expire 12 months after issuance or upon occupancy of the principal structure, whichever occurs first. Only one renewal for a one year period may be issued.
4. The mobile home must be occupied by the owner of the principal residence under construction.

19.3.6(1) **PARKING, OFF-SITE AND SHARED.** Whenever parking as required in Article 18 cannot be accomplished, SHARED PARKING in accordance with Section 18.2.2 may be approved via an Administrative Permit provided:

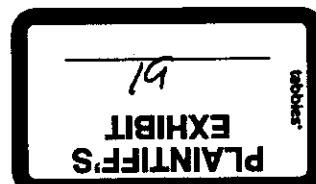
- A. **Required Districts:** O-I, C-1, C-2, MIX, M-1, M-1A and M-2
- B. **Standards:**
 1. If the off-site parking is committed for a specified period of time, the duration of the Administrative Permit shall be limited to the period of time stipulated therein.
 2. No more than 20 percent of the total parking requirement may be provided off-site via this Administrative Permit.
 3. The property must be located no more than 300 feet from the principal use with pedestrian access provided between the sites as may be required by the Department of Community Development.

19.3.7. **RAPID RAIL TRANSPORTATION STATION**

- A. **Required Districts:** All
- B. Refer to the Fulton County/MARTA rearrangement cooperative agreement administered by the Department of Public Works or such similar document as may be adopted by the City.

19.3.8. **RECREATIONAL COURT, PRIVATE**

- A. **Required Districts:** All districts except C-1, C-2, M-1, M-1A, M-2
- B. **Standards:**





Rezoning Petition No. RZ09-001/CV09-003

HEARING & MEETING DATES

| Community Zoning Formation Meeting | Design Review Board Meeting | Community Developer Resolution Meeting | Planning Commission Hearing | Mayor and City Council Hearing |
|---------------------------------------|--------------------------------|---|-----------------------------------|-----------------------------------|
| March 24, 2009 | March 24, 2009 | April 23, 2009 | May 21, 2009 | June 16, 2009 |

APPLICANT/PETITIONER INFORMATION

| Property Owners | Petitioner | Representative |
|-----------------------|-----------------------|----------------|
| Church of Scientology | Church of Scientology | Woody Galloway |

PROPERTY INFORMATION

| | |
|------------------------------------|---|
| Address, Land Lot, and District | 5395 Roswell Road (SR9) Land Lot 92, District 17 |
| Council District | 5 |

| | |
|-------------------|--|
| Frontage and Area | 325 feet of frontage along the north side of Glenridge Road and 420 feet of frontage along the east side of Roswell Road. The subject property has a total area of 1.78 acres (77,536.80 square feet). |
|-------------------|--|

| | |
|----------------------------|---|
| Existing Zoning and use | O-I (Office and Institutional District) conditional under Fulton County zoning cases Z83-0119, currently developed with a brick building totaling 32,053 square feet 11,193 square foot parking deck. |
|----------------------------|---|

| | |
|------------------|----------------|
| Overlay District | Urban District |
|------------------|----------------|

| | |
|-------------|--|
| Permit 2025 | |
|-------------|--|

| | |
|---|---------------------------|
| Comprehensive Future Land Use Map Designation | Live Work Community (LWC) |
|---|---------------------------|

| | |
|-----------------|---|
| Proposed Zoning | O-I (Office and Institutional District) |
|-----------------|---|

INTENT

FROM O-I(OFFICE AND INSTITUTIONAL DISTRICT) CONDITIONAL TO O-I(OFFICE AND INSTITUTIONAL DISTRICT)

The applicant is requesting to rezone the subject property from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) to allow for a church in the existing building. The proposed renovations will increase the building square footage from 32,053 square feet to 43,246 square feet with the enclosure of the 11,193 square foot existing underground thirty (30) car parking deck. The proposed density for the development is 4,671.91 square feet per acre.

Additionally, the applicant is requesting three (3) concurrent variances as follows:

1. To allow the existing parking within the required minimum front yard setback and side corner (Section 18.3.1.E, *Parking and Loading Locations*).
2. To allow the existing sign to encroach into the right-of-way (Section 22.C, *Sign Location*).
3. To reduce the twenty (20) foot side setback to five (5) foot to allow the existing building to remain. (Section 8.1.3.C, *Development Standards*)

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Case 1:10-cv-00082-CAP Document 42-2 Filed 12/16/10 Page 13 of 67
 DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

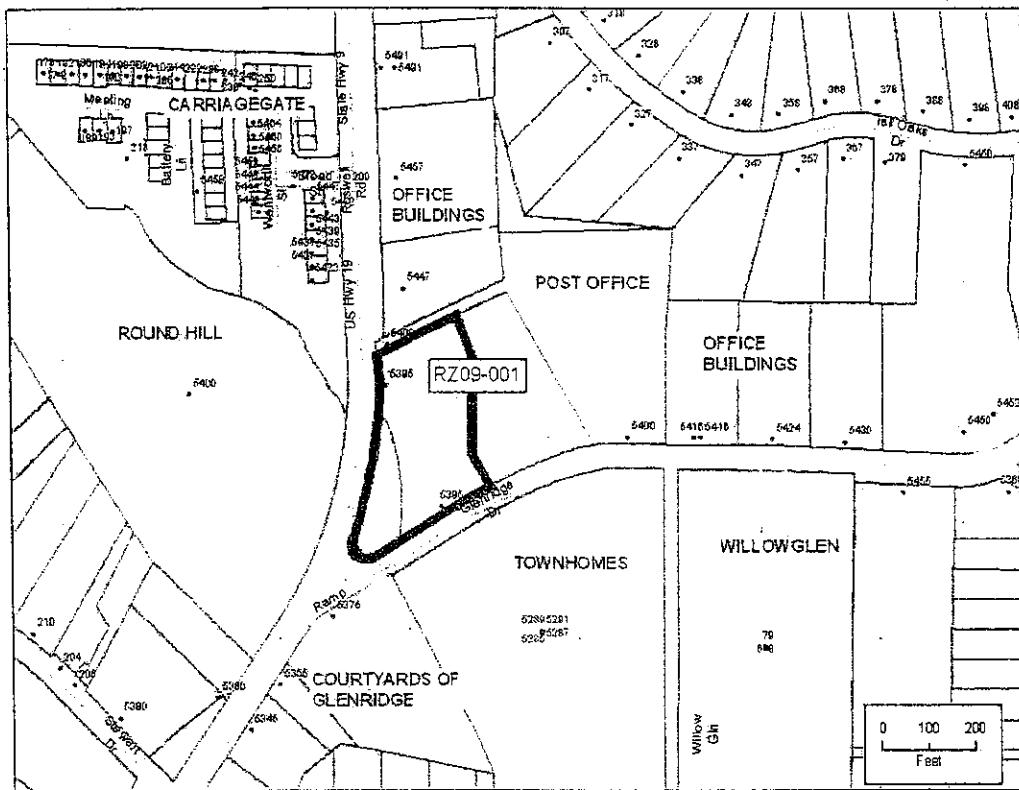
RZ09-001 - DEFERRAL
 CV09-003 #1 - DEFERRAL
 CV09-003 #2 - DEFERRAL
 CV09-003 #3 - DEFERRAL

PLANNING COMMISSION RECOMMENDATION

The petition was heard at the May 21, 2009 Planning Commission hearing. The Commission recommendation or a 60 day deferral (4-0, Thatcher, Pond, Rupnow, and Rubenstein for; Duncan not voting.)

Location Map

5395 Roswell Road



R 000167

BACKGROUND

The subject site is located on the east side of Roswell Road (SR9). The property is zoned O-I (Office and Institutional District) conditional under Fulton County zoning case Z83-0119 and is currently developed as a brick office building. The subject property is located within the Urban District of the Sandy Springs Overlay District.

EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

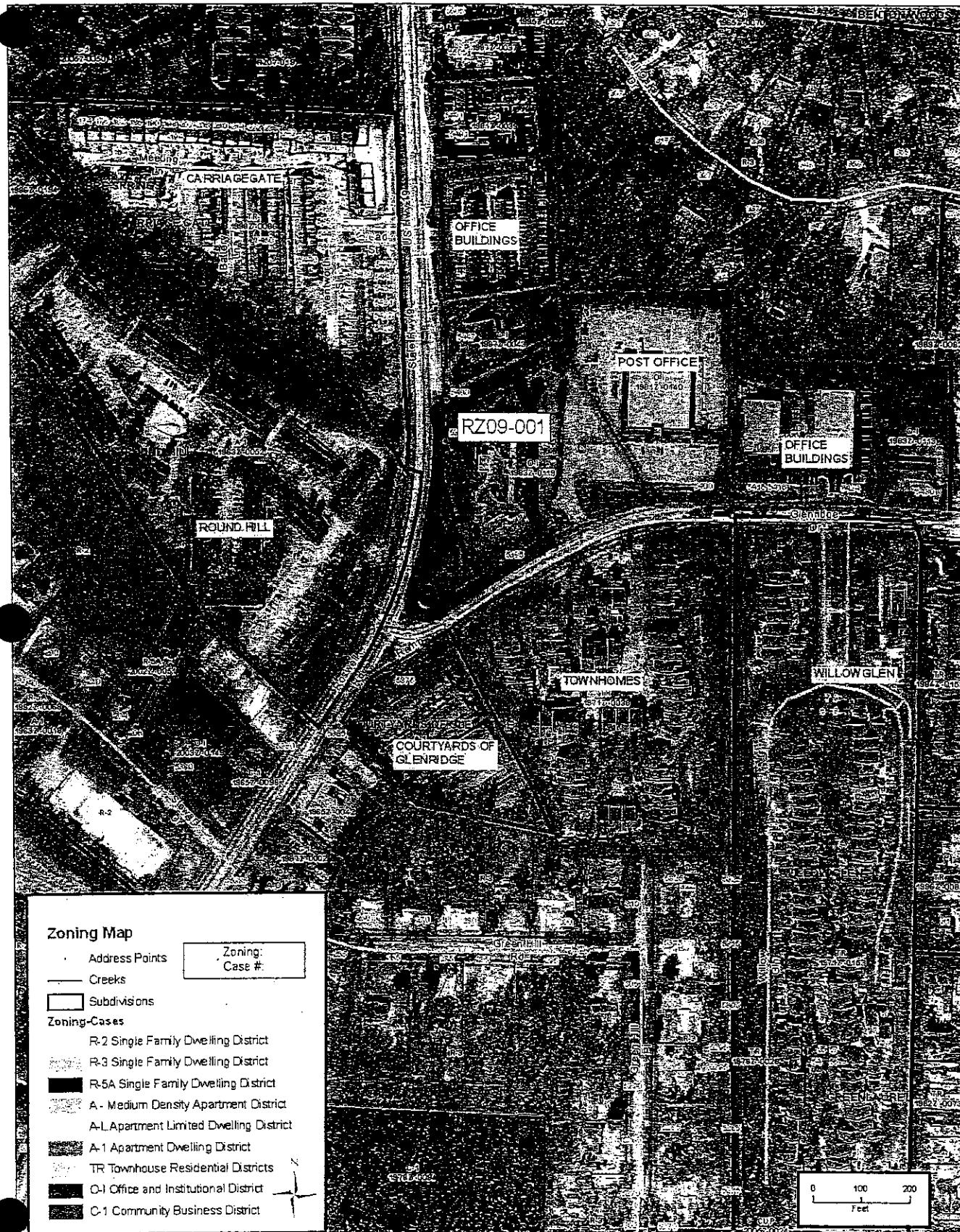
| SUBJECT PETITION RZ09-001 CV09-003 | Requested Zoning | Proposed Use | Land Area (Acres) | Square Footage | Density (Square Footage per Acre) |
|--|------------------|--------------|-------------------|----------------|-----------------------------------|
| | O-I | Church | 1.78 | 43,246 | 24,295.50 Square feet per acre |

| Location in relation to subject property | Zoning | Use | Land Area (Acres) | Square Footage or Number of Units | Density (Square Feet or Units Per Acre) |
|--|--------------------------|---|-------------------|-----------------------------------|---|
| North | O-I conditional Z87-0043 | Cash, Krugler & Frederick, LLC 5447 Roswell Road | 0.94 | 9,000 Sqft | 9,574.46 Square feet per acre |
| North | C-1 conditional Z80-0103 | 5457 Roswell Road | 1.65 | 20,736 Sqft | 12,567.27 Square feet per acre |
| East | O-I conditional Z81-0140 | Post Office 5400 Glenridge Drive | 2.93 | 18,125 Sqft ± | 6,186 Square feet per acre |
| South | TR Conditional Z71-0038 | The Glenridge 5201 Glenridge Drive | 6.52 | 46 Units | 7 Units per acre |
| South | A-1 Conditional Z64-0084 | Courtyard of Glenridge 5375 Roswell Road | 2.10 | 25 Units | 11.9 Units per acre |
| West | A-1 Conditional Z63-0052 | Round Hill 5400 Roswell Road | 9.93 | 130 Units | 13.1 Units per acre |
| West | TR Conditional Z98-0086 | Carriage Gate Townhomes | 6.84 | 62 Units | 9 Units per acre |

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Zoning Map

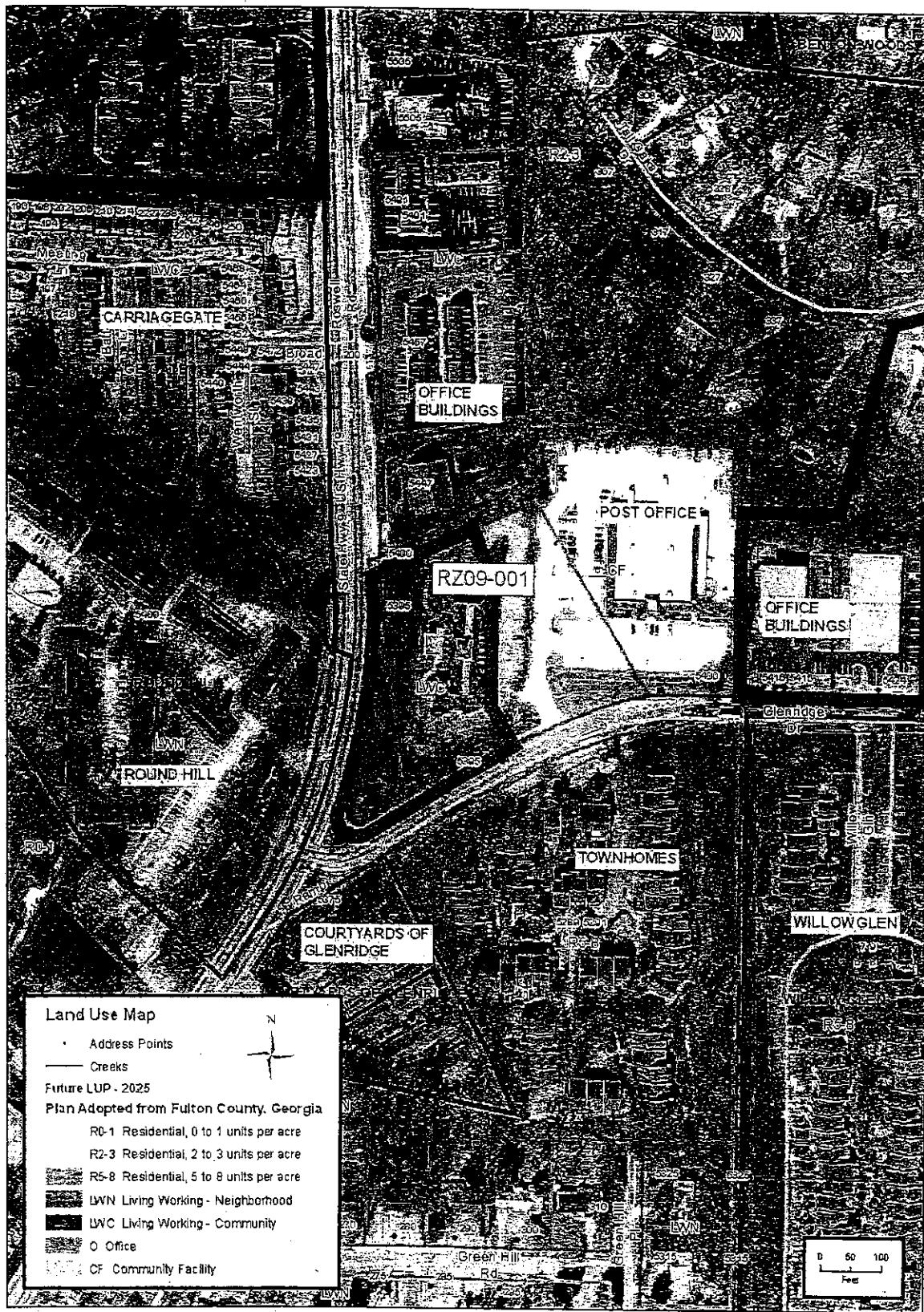
5395 Roswell Road



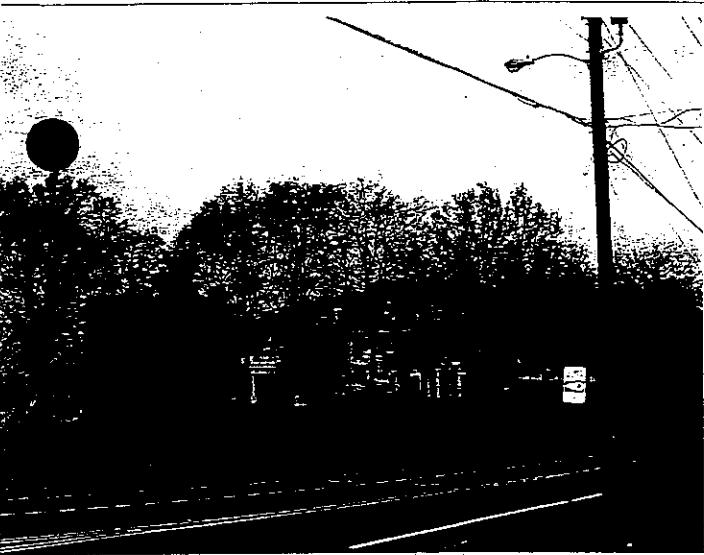
Prepared by the City of Sandy Springs Department of Community Development for the mayor and City Council Meeting June 16, 2009

Future Land Use Map

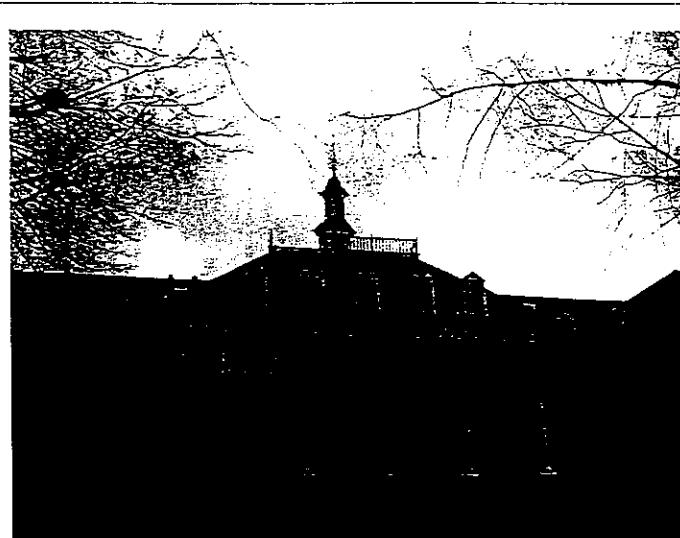
5395 Roswell Road



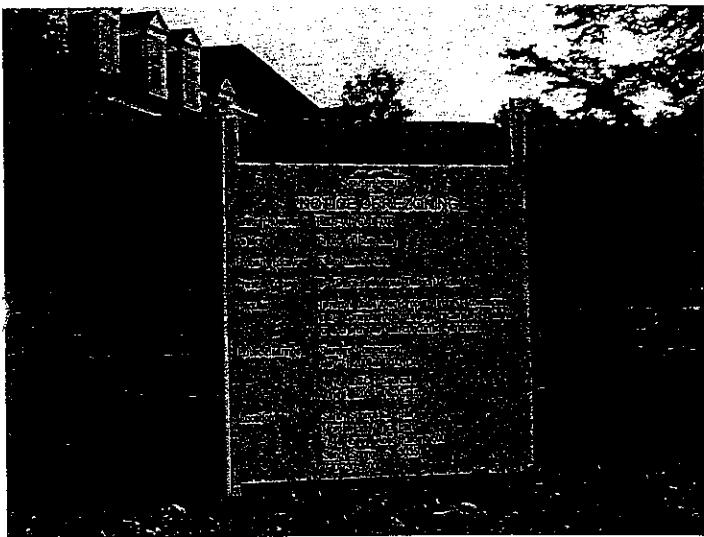
Prepared by the City of Sandy Springs Department of Community Development for the mayor and City Council Meeting June 16, 2009



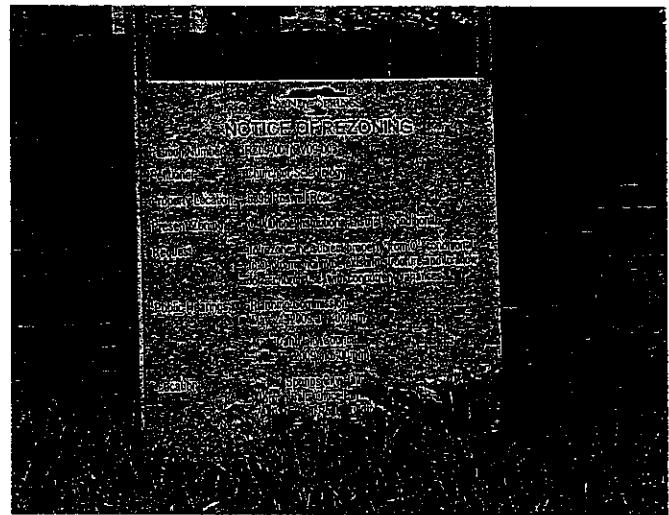
5395 Roswell Road (subject property)



5395 Roswell Road (subject property)



Notice of Rezoning Signs - Glenridge Drive



Notice of Rezoning Signs - Roswell Road



5447 Roswell Road (south of subject property)

Carriage Gate Townhomes
(southwest of subject property)



Round Hill Condominiums (west of subject property)



The Glenridge (north of subject property)



5400 Glenridge Drive - Post Office (east of subject property)

R 000172

Prepared by the City of Sandy Springs Department of Community Development for the mayor and City Council Meeting June 16, 2009

SITE PLAN ANALYSIS

The proposed site plan submitted shows the existing 32,053 square foot office building and 11,193 square foot underground thirty (30) car parking deck. The applicant proposes interior renovations to the existing building to allow for a church. The total floor area is proposed to be expended to 43,246 square feet by enclosing the 1,193 square foot parking deck. The proposed basement will contain the sanctuary, additional office space, and classrooms. The proposal will reduce the existing parking from 111 parking spaces to 81 parking spaces. The surface parking lot has fifty (50) parking space on the parcel and thirty (31) on an easement from the Post Office. The surface parking lot surrounds the building and is accessed by one (1) curb cut from Roswell Road (SR9) and an access point at the Post Office's driveway from Glenridge Drive.

Article 18.2.1 indicates parking requirements are to be calculated based upon the proportion that each use contributes to the total. For example, a building with multiple uses would be required to provide parking based upon the total parking requirement associated with each use. On the other hand, parking requirements for uses with large public assembly areas relative to the remainder of the building (i.e. meeting halls or libraries) are based upon the largest public assembly area. Normally, staff would analyze the parking needs for the Church of Scientology building relative to the size of the sanctuary. However, because proposed development will have a sanctuary which comprises less than 5% of the total net floor area, staff has instead analyzed the parking impact using an aggregate of the uses in the building (sanctuary, offices and classrooms).

R 000173

ARKING AND TRAFFIC IMPACT ANALYSIS

ection 18.2.1, *Basic Off-Street Parking Requirements*, see Table 1 below. The proposed use has the following three components: office, classrooms and a sanctuary. The applicant has indicated that the proposed use is not a traditional place of worship. Staff has calculated the total required parking according to the building area levied to each use. The minimum requirement for each use is listed in the table below. Based upon section 18.2.1, the owner/developer is required to provide a minimum of 148 spaces. The site currently has 111 parking spaces. The applicant is proposing to enclosure the thirty (30) car parking deck resulting in a total net of only 81 parking spaces. As table 1 illustrates the site (at full build out) would provide only 81 parking spaces versus the code required 148 parking spaces.

Table 1- Parking Analysis

| Use | Parking Ratio/s.f. | Bldg. Area (s.f.) | Req. Parking |
|------------------------|--------------------|-------------------|--------------|
| Sanctuary | 1: 30 | 1,218 | 41 |
| Classroom | 5: 1,000 | 11,153 | 56 |
| Office | 3: 1,000 | 17,065 | 51 |
| 29,436 | | | |
| Total Required Parking | | | 148 |
| Parking Provided | | | 81 |
| Parking Deficit | | | 67 |

Source: City of Sandy Springs Zoning Ord.
Square footage breakdown by

Erin Greer -Gensler

Note: Bldg area = 43,246 s.f. at build-out

LANDSCAPE PLAN ANALYSIS

The only land disturbance activity will be the installations of the new streetscape along the property's street frontage. There will be minor maintenance work to the building's exterior. The cost of the building renovation does not exceed the 40 percent of the property's most recent tax appraisal. Therefore, the applicant is required to install streetscape per the overlay district requirements. The streetscape requirement will be addressed at the time of the building permit.

ENVIRONMENTAL SITE ANALYSIS

The Environmental Site Analysis Report is sufficient and satisfies the requirements of the Sandy Springs Zoning Ordinance. The site does not contain any known streams, steep slopes, sensitive plants and/or protected animal species, or archaeological/historical sites. The site is not located within a floodplain.

R 000174

7. VARIANCE CONSIDERATIONS

The applicant is requesting three (3) concurrent variance as follows:

1. To allow the existing parking within the required minimum front yard setback and side corner (Section 18.3.1.E, *Parking and Loading Locations*).

The applicant has indicated that this variance is necessary to allow the existing parking to remain in current state to avoid reworking the parking lot.

The staff is of the opinion that relief from this requirement is in harmony with the intent of the Zoning Ordinance and will not be a detriment to the public as parking currently exists in the front setback. The applicant is proposing to maintain the 15 parking spaces in the front yard setback along Glenridge Drive, which will avoid reworking the existing parking lot. Additionally, the parking will cause no detriment to the public as the parking is on the front of the building behind a privacy wall adjacent to the right-of-way. Therefore, based on these reasons, the staff recommends APPROVAL of this concurrent variance request.

2. To allow the existing building to encroach within the twenty (20) foot side setbacks (Section 8.1.3.C, *Development Standards*).

The applicant has indicated that this variance is necessary to allow the existing building to remain in its current location, which is located five (5) feet from the eastern boundary with the United States Postal Service property.

The staff is of the opinion that relief from this requirement is in harmony with the intent of the Zoning Ordinance and that the reduction of the side setback will not have an adverse impact on neighboring or nearby properties. Therefore, based on these reasons, the staff recommends APPROVAL of this concurrent variance request.

3. To allow the existing sign to encroach into the right-of-way (Section 22.C, *Sign Location*).

The applicant has indicated that this variance is necessary to allow the church the use of the existing sign structure located on the corner of Roswell Road (SR9) and Glenridge. The existing sign is located on property acquired by Fulton County for right-of-way.

The staff is of the opinion that relief from this requirement is in harmony with the intent of the Zoning Ordinance and that the existing sign will not have an adverse impact on neighboring or nearby properties. Currently the sign does not create a site distance problem. The applicant is aware that the existing sign may have to be removed for future road work. Therefore, based on these reasons, the staff recommends APPROVAL of this concurrent variance request.

R 000175

DEPARTMENT COMMENTS

The staff held a Focus Meeting on April 4, 2009 at which the following departmental comments were provided:

| | | |
|-------------------------|--|---|
| BUILDING DIVISION | Sandy Springs Assistant Director of Building and Permitting | <ul style="list-style-type: none"> There are no building requirements that need to be addressed at this time. |
| | Sandy Springs Development Plan Review Engineer | <ul style="list-style-type: none"> There are no engineering requirements that need to be addressed at this time. |
| DEVELOPMENT DIVISION | Sandy Springs Landscape Architect/ Arborist | <ul style="list-style-type: none"> There are no landscape requirements that need to be addressed at this time. |
| | Sandy Springs Fire Protection Engineer | <ul style="list-style-type: none"> There are no fire requirements that need to be addressed at this time. |
| FIRE DEPT. | Sandy Springs Transportation Planner | <ul style="list-style-type: none"> Right-of-way dedication: 55' from centerline of Roswell Road 45' from centerline of Glenridge Drive Right-of-way reservation: 55' from centerline of Glenridge Drive |
| | Georgia Department of Transportation | <ul style="list-style-type: none"> There are no GDOT requirements that need to be addressed at this time. |

The staff has not received any additional comments from the Fulton County Board of Education. The staff has received additional comments from the Fulton County Emergency Services Department (see attached).

PUBLIC INVOLVEMENT

Required Meetings

The applicant attended the following required meetings:

- Community Zoning Information Meeting held March 24, 2009 at the Sandy Springs City Hall
- Community/Developer Resolution Meeting held April 23, 2009 at the Sandy Springs City Hall

Public Comments

- No overnight stays - *agreed to by applicant*
- No residential use of the property- *agreed to by applicant*
- No Narconon- *agreed to by applicant*
- Installation of sidewalk on Roswell Road and Glenridge Drive- *addressed at time of building permit*
- Parking now and in the future - *inadequate as proposed by the applicant and based on supporting documentations*
- A cap on capacity- *based on fire code*
- Traffic - *see parking and traffic impact*
- How much larger will the church grow - *the applicant addresses the total proposed use*

- Traffic signal timing on Glenridge Drive- will be reviewed by public works
- The City is not able to collect taxes on a church- true
- Estimate time of construction n/a
- Has the money been raised for the project n/a
- Hours of operation - 8:00 am to 11:00 pm per the applicant

Notice Requirements

The petition was advertised in the Daily Report on May 1, 2009 and May 22, 2009. The applicant posted a sign issued by the Department of Community Development along the frontage of Roswell Road and Glenridge Drive on April 10, 2009.

Public Participation Plan and Report

The applicant has met the Public Participation Plan requirements. The applicant is required to submit the Public Participation Report seven (7) days prior to the Mayor and City Council Hearing on June 16, 2009. The Public Participation Report must be submitted on or before June 9, 2008.

ZONING IMPACT ANALYSIS

Per Article 28.4.1, *Zoning Impact Analysis by the Planning Commission and the Department*, the staff shall make a written record of its investigation and recommendation on each rezoning petition with respect to the following factors:

A. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*

Finding: The staff is of the opinion that the proposed use is suitable in view of the use and development of adjacent and nearby property. The surrounding area consists of office developments to the south, apartments and condominiums to the north, condominiums to the west and the Post Office to the east. The proposal allows for a proper transition between these areas.

B. *Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.*

Finding: The staff is of the opinion that the proposal will not have an adverse impact on the use or usability of adjacent or nearby property.

C. *Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.*

Finding: The staff is of the opinion that the subject property has a reasonable economic use as currently zoned.

D. *Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools.*

Finding: The staff is of the opinion that the proposal will not function as a traditional place of worship and therefore would require parking on the site than that required for the largest place of public assembly. Specifically, the sanctuary is not proposed to be the largest portion of the building. This lack of parking could cause an excessive or burdensome use of the existing infrastructure.

E. Whether the zoning proposal is in conformity with the policies and intent of the land use plan.

Finding: The staff is of the opinion that the proposed use is consistent with the Future Land Use Map, which designates the property as Live-Work Community (LWC). The applicant is proposing to allow for a church in the existing building with an expansion. The proposed density for the development is 24,671.91 square feet per acre. The LWC land use designation recommends a density of up to 25,000 square feet per acre for commercial and office uses plus over 20 residential units per acre. The proposal lends itself to the overall intent of the LWC designated areas that are intended for to serve a group of adjacent neighborhoods and compatible with low and medium density residential neighborhoods.

F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

Finding: The proposed use (a place of worship) incorporates a build-out of the existing lower level parking deck to create a new sanctuary, additional office space and classrooms. An analysis was prepared by staff comparing the proposed uses within the building and minimum parking standards from Article 18.2.1 of the Zoning Ordinance associated with each use. According to this analysis (see Table 1), the site at full build-out would not provide the minimum number of parking spaces required per code. Because of this, staff recommends the total building area be limited to 32,053 square feet unless the applicant receives a variance from the minimum parking requirements or can demonstrate a reduction is warranted due to the operation of use such that parking spaces could be shared.

G. Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of Sandy Springs.

Finding: The staff is of the opinion that the proposal will not permit a use which could be considered environmentally adverse to the natural resources, environment, or citizens of Sandy Springs.

CONCLUSION TO FINDINGS

It is the opinion of the staff that the proposed use and density are consistent with the Future Land Use Map and the policies of the Comprehensive Plan. The entire 43,246 square feet could be recommended for approval by staff if the applicant can demonstrate that the on-site parking will be sufficient to meet the full use of the proposed building including the expansion through either a parking study or shared-parking analysis. Therefore, based on these reasons, the staff recommends APPROVAL CONDITIONAL of the request to rezone the subject property from O-I (Office and Institutional District) to O-I (Office and Institutional District) conditional and the associated concurrent variance.

STAFF RECOMMENDED CONDITIONS

The staff recommends APPROVAL CONDITIONAL of the rezoning from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District). Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Mayor and City Council.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Church and associated accessory uses in the existing structure at a density of 18,007.30 square feet per acre or 32,053 square feet, whichever is less.
 - b. Limit hours of operation to: 8:00 a.m. to 11:00 p.m.
 - c. Sidewalks will be required at time of building permit.
 - d. No overnight stays.
 - e. No Narconon programs permitted on site.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated May 5, 2009. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
3. To the owner's agreement to provide the following site development standards:
 - a. The owner/developer shall dedicate forty-five (45) feet of right-of-way from centerline of Glenridge Drive along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
 - b. The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Roswell Road along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
 - c. Reserve for the City of Sandy Springs along the necessary property frontage of the following roadways, prior to the approval of a Land Disturbance permit, sufficient land as necessary to provide for compliance with the Comprehensive Plan. All building setback lines shall be measured from the dedication but at no time shall a building be allowed inside the area of reservation. All required landscape strips and buffers shall straddle the reservation line so that the reservation line bisects the required landscape strip or buffer. At a minimum, 10 feet of the required landscape strip or buffer shall be located outside the area of reservation. All required tree plantings per Article 4.23 shall be placed within the portion of the landscape strip or buffer that lies outside the area of reservation.

Fifty-five (55) feet from centerline of Glenridge Drive

To allow parking within the required minimum front yard setback (CV09-003).

f. To reduce the twenty (20) foot side setbacks to five (5) feet (CV09-003).

Attachments

Letter of Intent dated received May 5, 2009

Site Plan dated received May 5, 2009

Letter requesting Deferral dated received May 20, 2009

Square footage breakdown of proposed building

Comment Letter from the Department of Transportation dated received April 10, 2009

Comment Letter from the City of Atlanta Department of Watershed Management dated April 10, 2009

Comment Letter from Fulton County Emergency Services Department dated received April 8, 2009

Comment Letter from Fulton County Department of Health and Wellness dated received May 6, 2009

Letters of opposition

R 000180

Rezoning Petition No. RZ09-001/CV09-003

NG & MEETING DATES

| unity Zoning ation Meeting | Design Review Board Meeting | Community Developer Resolution Meeting | Planning Commission Hearing | Mayor and City Council Hearing |
|-------------------------------|--------------------------------|---|-----------------------------------|-----------------------------------|
| March 24, 2009 | March 24, 2009 | April 23, 2009 | May 21, 2009 July 16, 2009 | June 16, 2009 August 18, 2009 |

CANT/PETITIONER INFORMATION

| Property Owners | Petitioner | Representative |
|-----------------------|-----------------------|----------------|
| Church of Scientology | Church of Scientology | Woody Galloway |

ERTY INFORMATION

| | |
|--------------------------|---|
| ss, Land Lot, istrict | 5395 Roswell Road (SR9) Land Lot 92, District 17 |
|--------------------------|---|

| | |
|-------------|--|
| il District | 5 |
| ge and Area | 325 feet of frontage along the north side of Glenridge Road and 420 feet of frontage along the east side of Roswell Road. The subject property has a total area of 1.78 acres (77,536.80 square feet). |

| | |
|---------------|---|
| ng Zoning and | O-I (Office and Institutional District) conditional under Fulton County zoning cases Z83-0119, currently developed with a brick building totaling 32,053 square feet 11,193 square foot parking deck. |
|---------------|---|

| | |
|-------------|----------------|
| ay District | Urban District |
|-------------|----------------|

| | |
|---------------------------------|---|
| re e Land Use Designation | Live Work Community (LWC) |
| osed Zoning | O-I (Office and Institutional District) |

INT
 FROM O-I(OFFICE AND INSTITUTIONAL DISTRICT) CONDITIONAL TO O-I(OFFICE AND INSTITUTIONAL DISTRICT)

pplicant is requesting to rezone the subject property from O-I (Office and Institutional District) conditional to Office and Institutional District) to allow for a church in the existing building. The proposed renovations will use the building square footage from 32,053 square feet to 43,246 square feet with the enclosure of the 11,193 square foot existing underground thirty (30) car parking deck. The proposed density for the development is 1.91 square feet per acre.

itionally, the applicant is requesting three (3) concurrent variances as follows:

1. To allow the existing parking within the required minimum front yard setback and side corner (Section 18.3.1.E, *Parking and Loading Locations*).
2. To allow the existing sign to encroach into the right-of-way (Section 22.C, *Sign Location*).
3. To reduce the twenty (20) foot side setback to five (5) foot to allow the existing building to remain. (Section 8.1.3.C, *Development Standards*)

RZ09-001 - APPROVAL CONDITIONAL
CV09-003 #1 - APPROVAL CONDITIONAL
CV09-003 #2 - APPROVAL CONDITIONAL
CV09-003 #3 - APPROVAL CONDITIONAL

PLANNING COMMISSION RECOMMENDATION - May 21, 2009

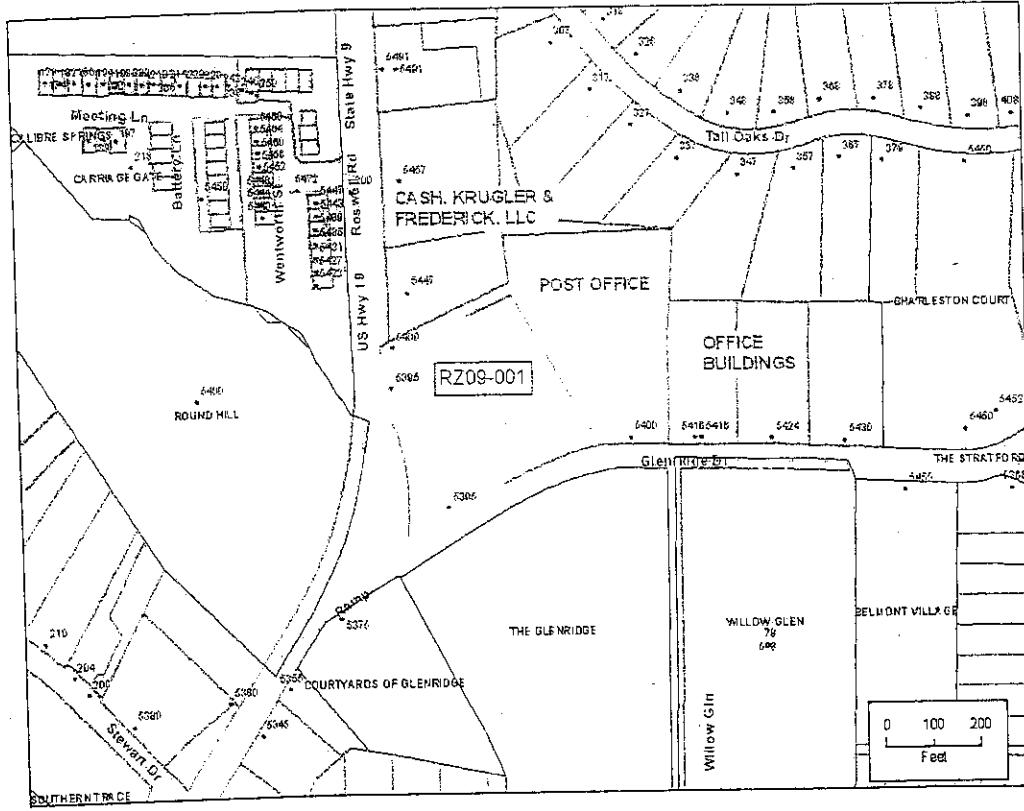
petition was heard at the May 21, 2009 Planning Commission hearing. The Commission recommendation
60 DAY DEFERRAL (4-0, Thatcher, Pond, Rupnow, and Rubenstein for; Duncan not voting.)

MAYOR AND CITY COUNCIL ACTION- June 16, 2009

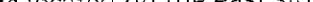
petition was heard at the June 16, 2009 Mayor and City Council hearing. The Council DEFERRED the petition July 16, 2009 Planning Commission hearing and the August 18, 2009 City Council hearing (6-0, MacGinnitie, Paul, Jenkins, DeJulio, and McEnerny for; Galambos not voting).

Location Map

5395 Roswell Road



GROUND

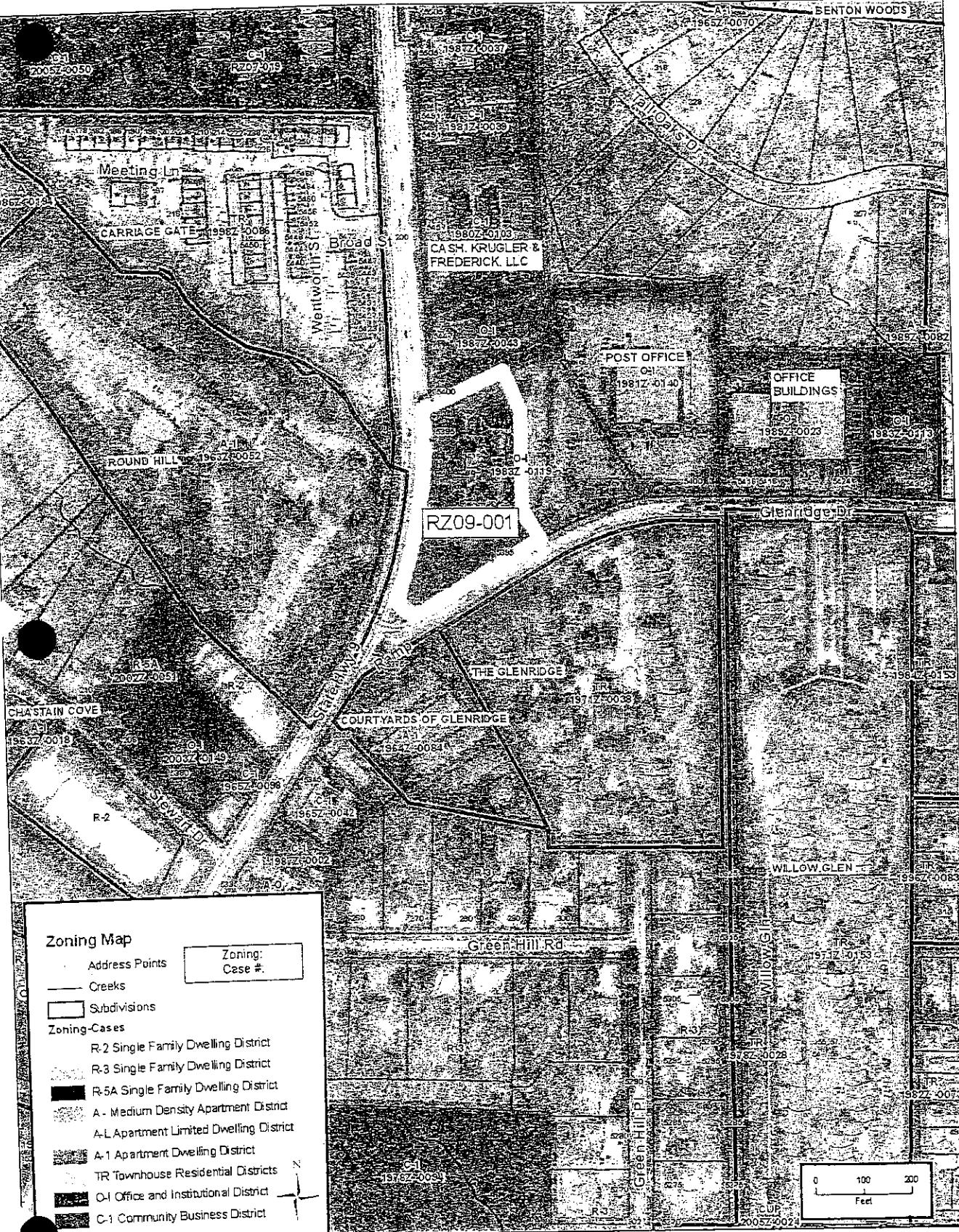
ubject site is located on the east side of Roswell Road (SR9). The property is zoned O-I (Office and Industrial District) conditional under Fulton County zoning case Z83-0119 and is currently developed as a  building. The subject property is located within the Urban District of the Sandy Springs May District.

TING LAND USE AND ZONING OF ABUTTING PROPERTY

| PROJECT ID 109-001 109-003 | Requested Zoning | Proposed Use | Land Area (Acres) | Square Footage | Density (Square Footage per Acre) |
|-------------------------------------|---------------------|--------------|----------------------|-------------------|--------------------------------------|
| | O-I | Church | 1.78 | 43,246 | 24,295.50 Square feet per acre |

| Location in relation to Subject Property | Zoning | Use | Land Area (Acres) | Square Footage or Number of Units | Density (Square Feet or Units Per Acre) |
|---|--------------------------------|--|----------------------|--|---|
| North | O-I conditional Z87-0043 | Cash, Krugler & Frederick, LLC 5447 Roswell Road | 0.94 | 9,000 Sqft | 9,574.46 Square feet per acre |
| North | C-1 conditional Z80-0103 | 5457 Roswell Road | 1.65 | 20,736 Sqft | 12,567.27 Square feet per acre |
| East | O-I conditional Z81-0140 | Post Office 5400 Glenridge Drive | 2.93 | 18,125 Sqft ± | 6,186 Square feet per acre |
| South | TR Conditional Z71-0038 | The Glenridge 5201 Glenridge Drive | 6.52 | 46 Units | 7 Units per acre |
| South | A-1 Conditional Z64-0084 | Courtyard of Glenridge 5375 Roswell Road | 2.10 | 25 Units | 11.9 Units per acre |
| West | A-1 Conditional Z63-0052 | Round Hill 5400 Roswell Road | 9.93 | 130 Units | 13.1 Units per acre |
| West | TR Conditional Z98-0086 | Carriage Gate Townhomes | 6.84 | 62 Units | 9 Units per acre |

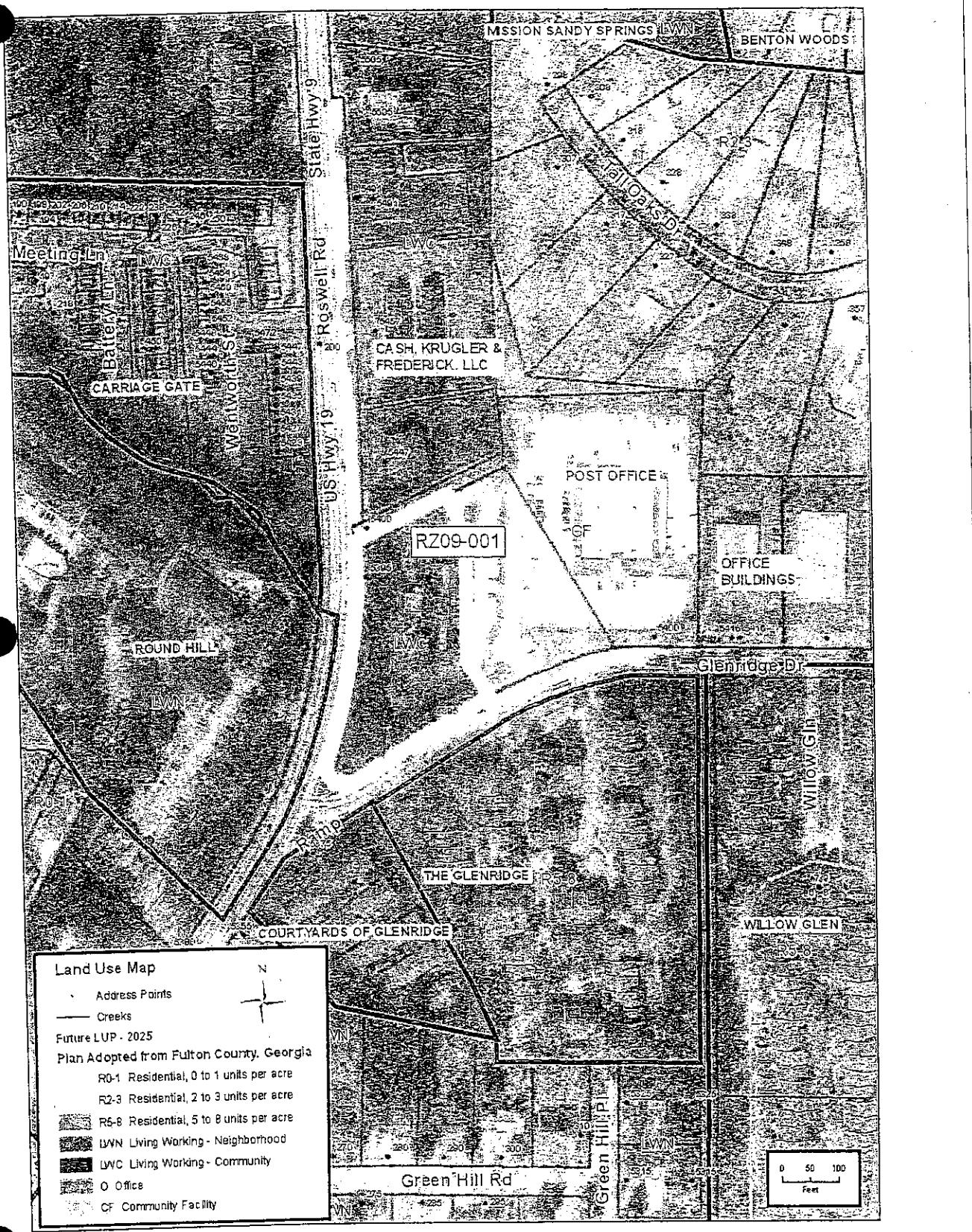
5395 Roswell Road



Prepared by the City of Sandy Springs Department of Community Development for the Planning Commission Meeting July 16, 2009

Future Land Use Map

5395 Roswell Road



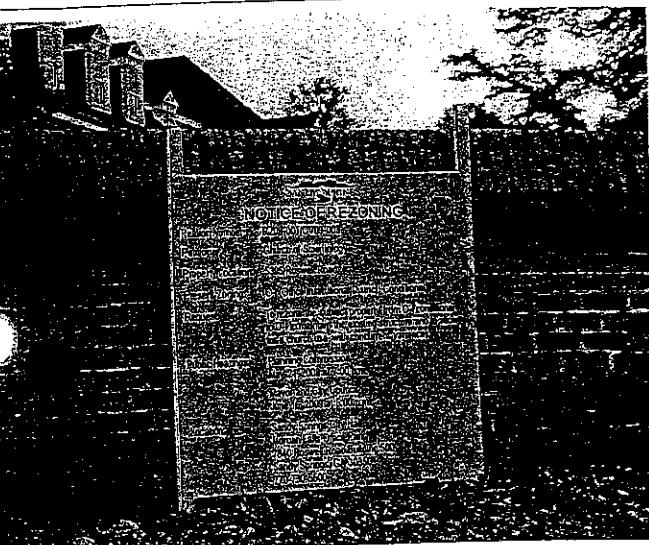
Prepared by the City of Sandy Springs Department of Community Development for the Planning Commission Meeting July 16, 2009



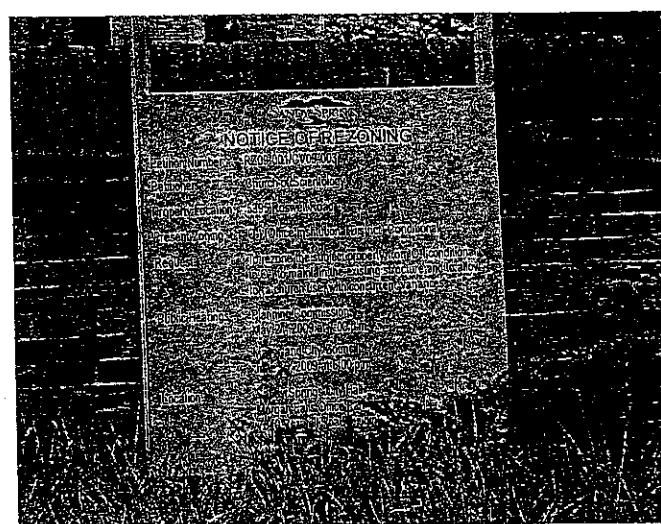
5395 Roswell Road (subject property)



5395 Roswell Road (subject property)



Notice of Rezoning Signs - Glenridge Drive



Notice of Rezoning Signs - Roswell Road

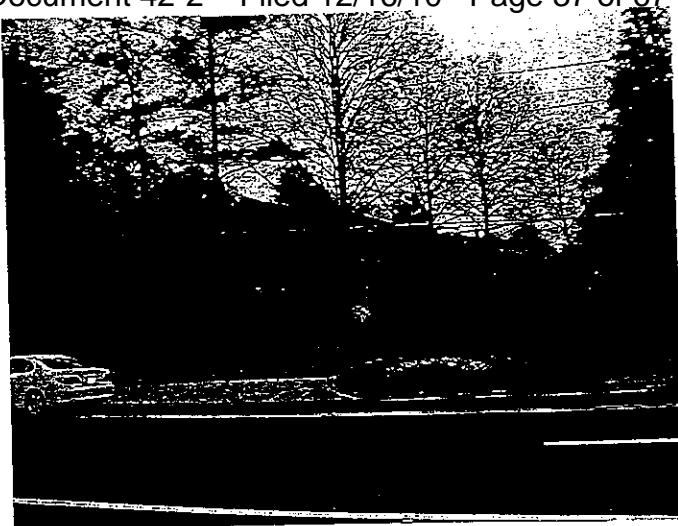


5447 Roswell Road (south of subject property)



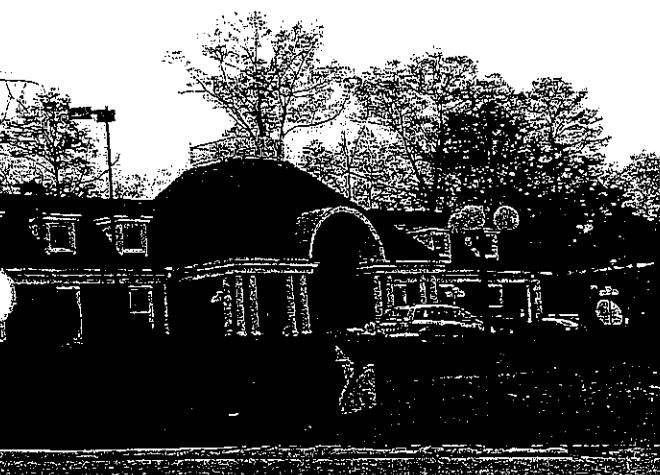
Carriage Gate Townhomes
(southwest of subject property)

Prepared by the City of Sandy Springs Department of Community Development for the Planning Commission Meeting July 16, 2009



Sand Hill Condominiums (west of subject property)

The Glenridge (north of subject property)



5400 Glenridge Drive - Post Office (east of subject property)

PLAN ANALYSIS

Proposed site plan submitted shows the existing 32,053 square foot office building and 11,193 square foot ground thirty (30) car parking deck. The applicant proposes interior renovations to the existing building for a church. The total floor area is proposed to be expended to 43,246 square feet by enclosing the proposed basement will contain the sanctuary, additional office space, and a square foot parking deck. The proposal will reduce the existing parking from 111 parking spaces to 81 parking spaces. The parking lot has fifty (52) parking space on the parcel and thirty (31) on an easement from the Post Office. The surface parking lot surrounds the building and is accessed by one (1) curb cut from Roswell Road (SR9) and access point at the Post Office's driveway from Glenridge Drive.

PARKING AND TRAFFIC IMPACT ANALYSIS

18.2.1 indicates parking requirements are to be calculated based upon the proportion that each use contributes to the total. For example, a building with multiple uses would be required to provide parking based upon the total parking requirement associated with each use. On the other hand, parking requirements for uses of large public assembly areas relative to the remainder of the building (i.e. meeting halls or libraries) are based upon the largest public assembly area. Normally, staff would analyze the parking needs for the Church of Christ sanctuary building relative to the size of the sanctuary. However, because proposed development will be a sanctuary which comprises less than 5% of the total net floor area, staff has instead analyzed the parking impact using an aggregate of the uses in the building (sanctuary, offices and classrooms).

applicant has indicated that the proposed use is not a traditional place of worship. As such the applicant volunteered a parking study to show the parking needs for the proposed use. The parking study provided by the applicant examined two (2) existing sites, the current location in the City of Dunwoody, Georgia and a location in Nashville, Tennessee. The location in Nashville has similar square footage 38,000 to the proposed 43,246 square feet at the Sandy Springs location. The Nashville location has provided 114 spaces for 38,000 square feet. This is 3 spaces per 1000 square feet. According to this calculation the Sandy Springs site at the applicant's location 43,246 square feet would require one hundred and thirty 130 spaces. Eighty-three (83) spaces would be provided. There would be a deficit of forty-seven (47) parking space under the proposed use. Based on the information provided by the applicant, the proposed request of 43,246 square feet would not meet the level of parking necessary to support the proposed use. Therefore, staff concludes that there would be an inadequate amount of parking for the proposed 43,246 square feet. The site at 32,053 square feet would require ninety-seven (97) spaces. The site currently has one hundred and eleven (111) spaces. As such the staff recommends restricting the use of the subject property to 32,053 square feet with the existing one hundred and eleven (111) spaces.

LANDSCAPE PLAN ANALYSIS

The only land disturbance activity will be the installations of the new streetscape along the property's street frontage. There will be minor maintenance work to the building's exterior. The cost of the building renovation does not exceed the forty (40) percent of the property's most recent tax appraisal. Therefore, the applicant is required to install streetscape per the overlay district requirements. The streetscape requirement will be addressed at the time of the building permit.

ENVIRONMENTAL SITE ANALYSIS

The Environmental Site Analysis Report is sufficient and satisfies the requirements of the Sandy Springs Zoning Ordinance. The site does not contain any known streams, steep slopes, sensitive plants and/or protected animal species, or archaeological/historical sites. The site is not located within a floodplain.

ANCE CONSIDERATIONS

pplicant is requesting three (3) concurrent variance as follows:

1. To allow the existing parking within the required minimum front yard setback and side corner (Section 18.3.1.E, *Parking and Loading Locations*).

The applicant has indicated that this variance is necessary to allow the existing parking to remain in current state to avoid reworking the parking lot.

The staff is of the opinion that relief from this requirement is in harmony with the intent of the Zoning Ordinance and will not be a detriment to the public as parking currently exists in the front setback. The applicant is proposing to maintain the 15 parking spaces in the front yard setback along Glenridge Drive, which will avoid reworking the existing parking lot. Additionally, the parking will cause no determent to the public as the parking is on the front of the building behind a privacy wall adjacent to the right-of-way. Therefore, based on these reasons, the staff recommends APPROVAL of this concurrent variance request.

2. To allow the existing building to encroach within the twenty (20) foot side setbacks (Section 8.1.3.C, *Development Standards*)

The applicant has indicated that this variance is necessary to allow the existing building to remain in its current location, which is located five (5) feet from the eastern boundary with the United States Postal Service property.

The staff is of the opinion that relief from this requirement is in harmony with the intent of the Zoning Ordinance and that the reduction of the side setback will not have an adverse impact on neighboring or nearby properties. Therefore, based on these reasons, the staff recommends APPROVAL of this concurrent variance request.

3. To allow the existing sign to encroach into the right-of-way (Section 22.C, *Sign Location*).

The applicant has indicated that this variance is necessary to allow the church the use of the existing sign structure located on the corner of Roswell Road (SR9) and Glenridge. The existing sign is located on property acquired by Fulton County for right-of-way.

The staff is of the opinion that relief from this requirement is in harmony with the intent of the Zoning Ordinance and that the existing sign will not have an adverse impact on neighboring or nearby properties. Currently the sign does not create a site distance problem. The applicant is aware that the existing sign may have to be removed for future road work. Therefore, based on these reasons, the staff recommends APPROVAL of this concurrent variance request.

ARTMENT COMMENTS

staff held a Focus Meeting on April 4, 2009 at which the following departmental comments were provided:

| DIVISION | DEPT. | POSITION | COMMENTS |
|----------------|-------|--|---|
| | | Sandy Springs Assistant Director of Building and Permitting | <ul style="list-style-type: none"> There are no building requirements that need to be addressed at this time. |
| | | Sandy Springs Development Plan Review Engineer | <ul style="list-style-type: none"> There are no engineering requirements that need to be addressed at this time. |
| | | Sandy Springs Landscape Architect/ Arborist | <ul style="list-style-type: none"> There are no landscape requirements that need to be addressed at this time. |
| | | Sandy Springs Fire Protection Engineer | <ul style="list-style-type: none"> There are no fire requirements that need to be addressed at this time. |
| TRANSPORTATION | | Sandy Springs Transportation Planner | <ul style="list-style-type: none"> Right-of-way dedication: 55' from centerline of Roswell Road 45' from centerline of Glenridge Drive Right-of-way reservation: 55' from centerline of Glenridge Drive |
| | | Georgia Department of Transportation | <ul style="list-style-type: none"> There are no GDOT requirements that need to be addressed at this time. |

The staff has not received any additional comments from the Fulton County Board of Education. The staff has received additional comments from the Fulton County Emergency Services Department (see attached).

PUBLIC INVOLVEMENT

Required Meetings

The applicant attended the following required meetings:

- Community Zoning Information Meeting held March 24, 2009 at the Sandy Springs City Hall
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Public Comments

- No overnight stays - *agreed to by applicant*
- No residential use of the property - *agreed to by applicant*
- No Narconon - *agreed to by applicant*
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- Parking now and in the future - *inadequate as proposed by the applicant and based on supporting documentation*
- A cap on capacity- *based on fire code*

Traffic - see parking and traffic in, act

How much larger will the church grow - the applicant addresses the total proposed use

Traffic signal timing on Glenridge Drive- will be reviewed by public works

The City is not able to collect taxes on a church- true

Estimate time of construction n/a

Has the money been raised for the project n/a

Hours of operation - 8:00 am to 11:00 pm per the applicant

Requirements

petition was advertised in the Daily Report on May 1, 2009 and May 22, 2009. The applicant posted a notice issued by the Department of Community Development along the frontage of Roswell Road and Glenridge Drive on April 10, 2009.

Public Participation Plan and Report

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ZONING IMPACT ANALYSIS

Article 28.4.1, *Zoning Impact Analysis by the Planning Commission and the Department*, the staff shall make a written record of its investigation and recommendation on each rezoning petition with respect to the following factors:

Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

finding: The staff is of the opinion that the proposed use is suitable in view of the use and development of adjacent and nearby property. The surrounding area consists of office developments to the south, apartments and condominiums to the north, condominiums to the west and the Post Office to the east. The proposal allows for a proper transition between these areas.

Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

finding: The staff is of the opinion that the proposal will not have an adverse impact on the use or usability of adjacent or nearby property.

Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

finding: The staff is of the opinion that the subject property has a reasonable economic use as currently zoned.

Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools.

finding: The staff is of the opinion that the proposal will not function as a traditional place of worship and therefore would require parking on the site than that required for the largest place of public assembly. Specifically, the sanctuary is not proposed to be the largest portion of the building. This lack of parking could cause an excessive or burdensome use of the existing infrastructure.

whether the zoning proposal is in conformity with the policies and intent of the land use plan.

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Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

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Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of Sandy Springs.

ding: The staff is of the opinion that the proposal will not permit a use which could be considered environmentally adverse to the natural resources, environment, or citizens of Sandy Springs.

INCLUSION TO FINDINGS

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RECOMMENDED CONDITIONS

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To the owner's agreement to restrict the use of the subject property as follows:

Office and/or Church and associated accessory uses in the existing structure at a density of 18,007.30 square feet per acre or 32,053 square feet, whichever is less.

Limit hours of operation to: 8:00 a.m. to 11:00 p.m.

Sidewalks will be required at time of building permit.

i. No overnight stays.

ii. To prohibit any drug, alcohol, substance abuse, chemical dependence, and/or criminal rehabilitation programs.

To the owner's agreement to abide by the following:

a. To the site plan received by the Department of Community Development dated May 5, 2009. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.

To the owner's agreement to provide the following site development standards:

a. The owner/developer shall dedicate forty-five (45) feet of right-of-way from centerline of Glenridge Drive along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.

b. The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Roswell Road along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.

c. Reserve for the City of Sandy Springs along the necessary property frontage of the following roadways, prior to the approval of a Land Disturbance permit, sufficient land as necessary to provide for compliance with the Comprehensive Plan. All building setback lines shall be measured from the dedication but at no time shall a building be allowed inside the area of reservation. All required landscape strips and buffers shall straddle the reservation line so that the reservation line bisects the required landscape strip or buffer. At a minimum, 10 feet of the required landscape strip or buffer shall be located outside the area of reservation. All required tree plantings per Article 4.23 shall be placed within the portion of the landscape strip or buffer that lies outside the area of reservation.

[REDACTED] Fifty-five (55) feet from centerline of Glenridge Drive

d. To allow parking within the required minimum front yard setback (CV09-003).

To allow the existing sign to encroach into the right-of-way (CV09-003).

To reduce the twenty (20) foot side setbacks to five (5) feet (CV09-003).

R 000259

Prepared by the City of Sandy Springs Department of Community Development for the Planning Commission Meeting July 16, 2009

ments

of Intent dated received May 5, 2009

lan dated received May 5, 2009

ng evaluation dated received June 26, 2009

se attendance 2009

the footage breakdown of proposed building

ment Letter from the Department of Transportation dated received April 10, 2009

ment Letter from the City of Atlanta Department of Watershed Management dated April 10, 2009

ment Letter from Fulton County Emergency Services Department dated received April 8, 2009

ment Letter from Fulton County Department of Health and Wellness dated received May 6, 2009

rs of opposition

os of Existing Church of Scientology site

Det
(le-0)

Rezoning Petition No. RZ09-001/CV09-003

HEARING & MEETING DATES

| Community Zoning Information Meeting | Design Review Board Meeting | Community Developer Resolution Meeting | Planning Commission Hearing | Mayor and City Council Hearing |
|--------------------------------------|-----------------------------|--|-------------------------------|----------------------------------|
| March 24, 2009 | March 24, 2009 | April 23, 2009 | May 21, 2009 July 16, 2009 | June 16, 2009 August 18, 2009 |

APPLICANT/PETITIONER INFORMATION

| Property Owners | Petitioner | Representative |
|-----------------------|-----------------------|----------------|
| Church of Scientology | Church of Scientology | Woody Galloway |

PROPERTY INFORMATION

| | |
|---------------------------------|---|
| Address, Land Lot, and District | 5395 Roswell Road (SR9) Land Lot 92, District 17 |
|---------------------------------|---|

| | |
|------------------|---|
| Council District | 5 |
|------------------|---|

| | |
|-------------------|--|
| Frontage and Area | 325 feet of frontage along the north side of Glenridge Road and 420 feet of frontage along the east side of Roswell Road. The subject property has a total area of 1.78 acres (77,536.80 square feet). |
|-------------------|--|

| | |
|-------------------------|---|
| Existing Zoning and Use | O-I (Office and Institutional District) conditional under Fulton County zoning cases Z83-0119, currently developed with a brick building totaling 32,053 square feet 11,193 square foot parking deck. |
|-------------------------|---|

| | |
|------------------|----------------|
| Overlay District | Urban District |
|------------------|----------------|

| | |
|---|---|
| Comprehensive Future Land Use Map Designation | Live Work Community (LWC) |
| Proposed Zoning | O-I (Office and Institutional District) |

INTENT

FROM O-I(OFFICE AND INSTITUTIONAL DISTRICT) CONDITIONAL TO O-I(OFFICE AND INSTITUTIONAL DISTRICT)

The applicant is requesting to rezone the subject property from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) to allow for a church in the existing building. The proposed renovations will increase the building square footage from 32,053 square feet to 43,246 square feet with the enclosure of the 11,193 square foot existing underground thirty (30) car parking deck. The proposed density for the development is 24,671.91 square feet per acre.

Additionally, the applicant is requesting three (3) concurrent variances as follows:

1. To allow the existing parking within the required minimum front yard setback and side corner (Section 18.3.1.E, *Parking and Loading Locations*).
2. To allow the existing sign to encroach into the right-of-way (Section 22.C, *Sign Location*).
3. To reduce the twenty (20) foot side setback to five (5) foot to allow the existing building to remain. (Section 8.1.3.C, *Development Standards*)

PLAINTIFF'S
EXHIBIT

22

Development for the Mayor and City Council Meeting August 18, 2009

Prepared by the City of San

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Page 1 of 18

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

RZ09-001 - APPROVAL CONDITIONAL
 CV09-003 #1 - APPROVAL CONDITIONAL
 CV09-003 #2 - APPROVAL CONDITIONAL
 CV09-003 #3 - APPROVAL CONDITIONAL

PLANNING COMMISSION RECOMMENDATION - May 21, 2009

The petition was heard at the May 21, 2009 Planning Commission hearing. The Commission recommended for a 60 DAY DEFERRAL (4-0, Thatcher, Pond, Rupnow, and Rubenstein for; Duncan not voting.)

MAYOR AND CITY COUNCIL ACTION- June 16, 2009

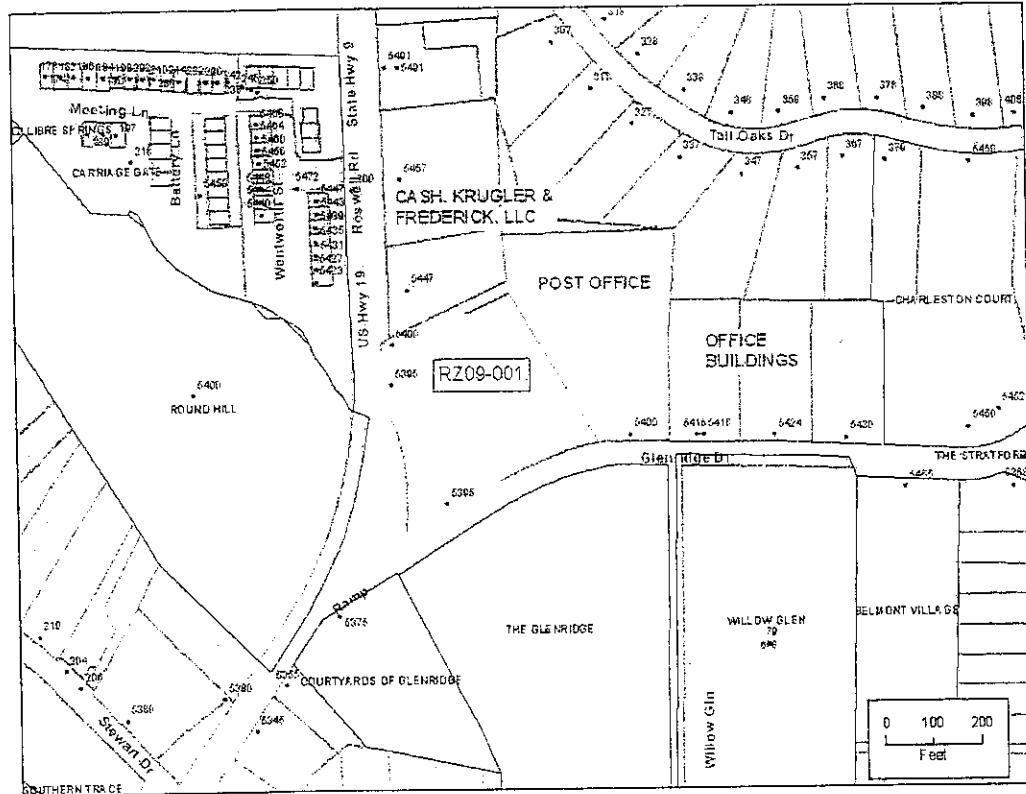
The petition was heard at the June 16, 2009 Mayor and City Council hearing. The Council DEFERRED the petition to the July 16, 2009 Planning Commission hearing and the August 18, 2009 City Council hearing (6-0, MacGinnitie, Fries, Paul, Jenkins, DeJulio, and McEnerny for; Galambos not voting).

PLANNING COMMISSION RECOMMENDATION - May 21, 2009

The petition was heard at the July 16, 2009 Planning Commission hearing. The Commission recommended APPROVAL subject to staff's conditions (3-2, Thatcher, Boyken, Rubenstein for; Maziar and Rupnow against; Pond absent; Duncan not voting.)

Location Map

5395 Roswell Road



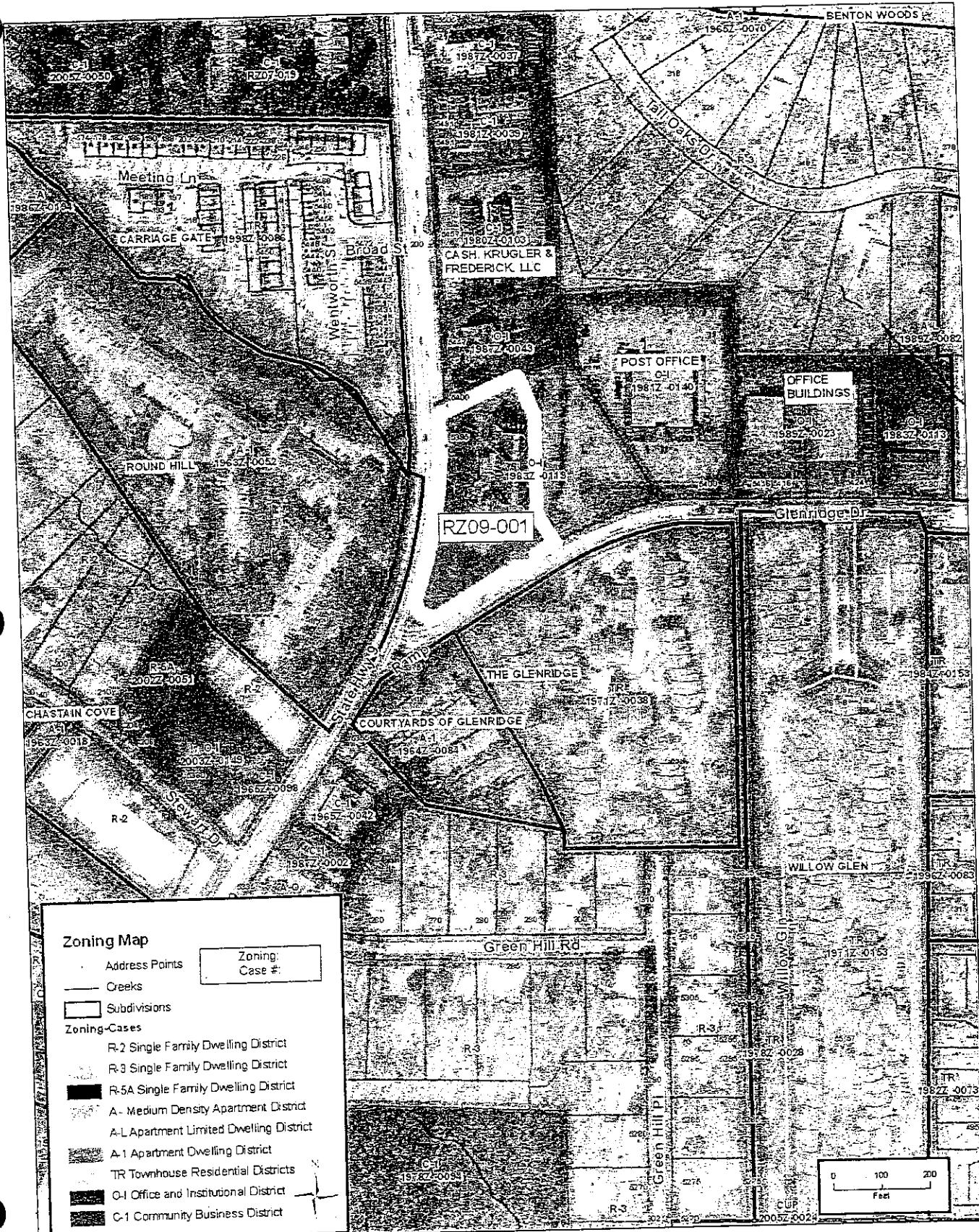
BACKGROUND

The subject site is located on the east side of Roswell Road (SR9). The property is zoned O-I (Office and Institutional District) conditional under Fulton County zoning case Z83-0119 and is currently developed as a brick office building. The subject property is located within the Urban District of the Sandy Springs Overlay District.

EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

| SUBJECT PETITION RZ09-001 CV09-003 | Requested Zoning | Proposed Use | Land Area (Acres) | Square Footage | Density (Square Footage per Acre) |
|--|--------------------------|---|-------------------|-----------------------------------|---|
| | O-I | Church | 1.78 | 43,246 | 24,295.50 Square feet per acre |
| Location in relation to subject property | Zoning | Use | Land Area (Acres) | Square Footage or Number of Units | Density (Square Feet or Units Per Acre) |
| North | O-I conditional Z87-0043 | Cash, Krugler & Frederick, LLC 5447 Roswell Road | 0.94 | 9,000 Sqft | 9,574.46 Square feet per acre |
| North | C-1 conditional Z80-0103 | 5457 Roswell Road | 1.65 | 20,736 Sqft | 12,567.27 Square feet per acre |
| East | O-I conditional Z81-0140 | Post Office 5400 Glenridge Drive | 2.93 | 18,125 Sqft ± | 6,186 Square feet per acre |
| South | TR Conditional Z71-0038 | The Glenridge 5201 Glenridge Drive | 6.52 | 46 Units | 7 Units per acre |
| South | A-1 Conditional Z64-0084 | Courtyard of Glenridge 5375 Roswell Road | 2.10 | 25 Units | 11.9 Units per acre |
| West | A-1 Conditional Z63-0052 | Round Hill 5400 Roswell Road | 9.93 | 130 Units | 13.1 Units per acre |
| West | TR Conditional Z98-0086 | Carriage Gate Townhomes | 6.84 | 62 Units | 9 Units per acre |

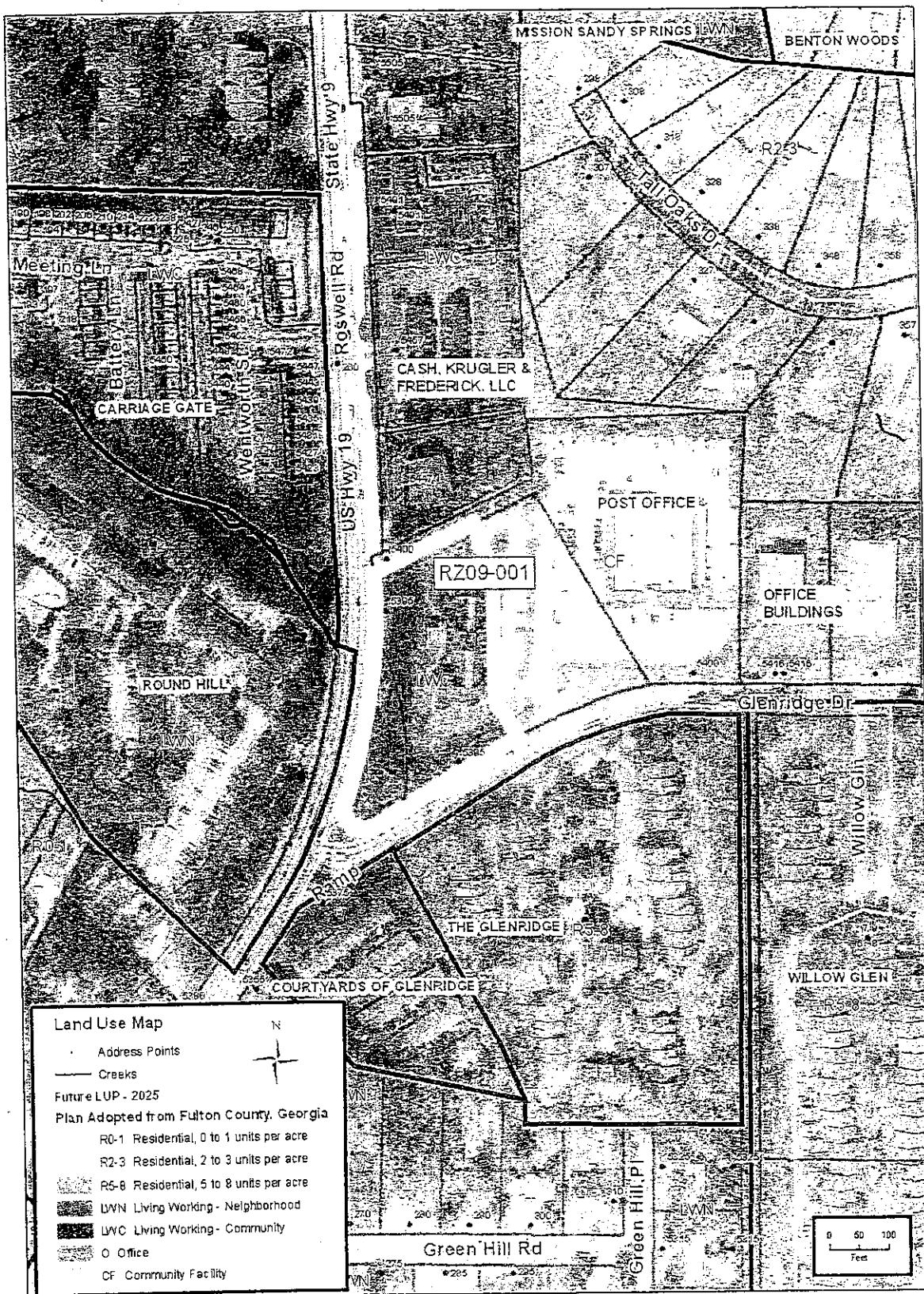
5395 Roswell Road



Prepared by the City of Sandy Springs Department of Community Development for the Planning Commission Meeting August 18, 2009

Future Land Use Map

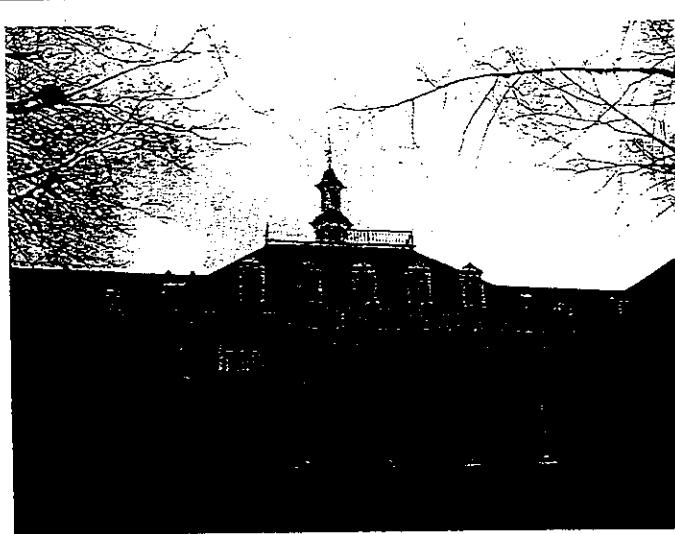
5395 Roswell Road



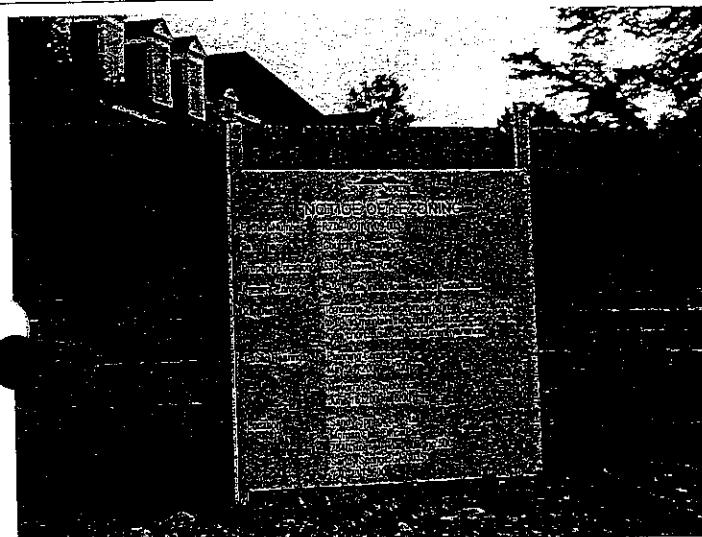
Prepared by the City of Sandy Springs Department of Community Development for the Planning Commission Meeting August 18, 2009



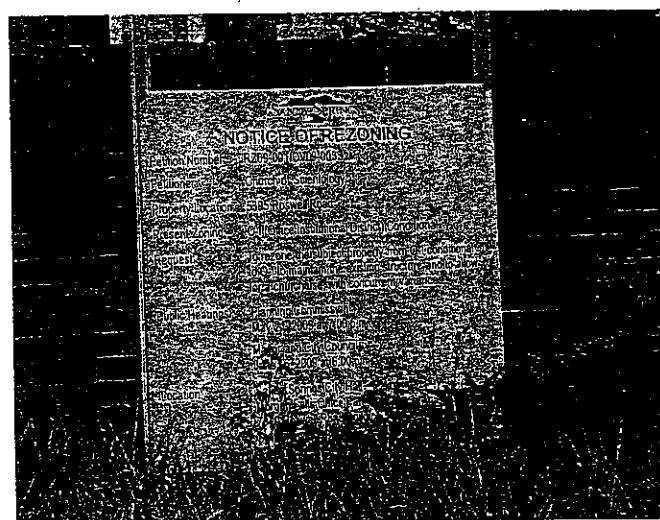
5395 Roswell Road (subject property)



5395 Roswell Road (subject property)



Notice of Rezoning Signs - Glenridge Drive



Notice of Rezoning Signs - Roswell Road



5447 Roswell Road (south of subject property)

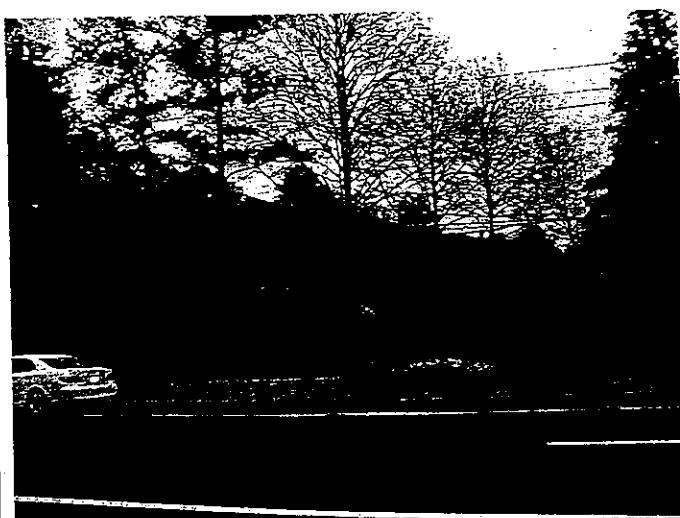


Carriage Gate Townhomes
(southwest of subject property)

Prepared by the City of Sandy Springs Department of Community Development for the Planning Commission Meeting August 18, 2009



Round Hill Condominiums (west of subject property)



The Glenridge (north of subject property)



5400 Glenridge Drive - Post Office (east of subject property)

SITE PLAN ANALYSIS

The proposed site plan submitted shows the existing 32,053 square foot office building and 11,193 square foot underground thirty (30) car parking deck. The applicant proposes interior renovations to the existing building to [REDACTED] for a church. The total floor area is proposed to be expended to 43,246 square feet by enclosing the 11,193 square foot parking deck. The proposed basement will contain the sanctuary, additional office space, and classrooms. The proposal will reduce the existing parking from 111 parking spaces to 81 parking spaces. The surface parking lot has fifty (52) parking space on the parcel and thirty (31) on an easement from the Post Office. The surface parking lot surrounds the building and is accessed by one (1) curb cut from Roswell Road (SR9) and an access point at the Post Office's driveway from Glenridge Drive.

PARKING AND TRAFFIC IMPACT ANALYSIS

Article 18.2.1 indicates parking requirements are to be calculated based upon the proportion that each use contributes to the total. For example, a building with multiple uses would be required to provide parking based upon the total parking requirement associated with each use. On the other hand, parking requirements for uses with large public assembly areas relative to the remainder of the building (i.e. meeting halls or libraries) are based upon the largest public assembly area. Normally, staff would analyze the parking needs for the Church of Scientology building relative to the size of the sanctuary. However, Section 28.1 paragraph 3 states in approving any zoning district change and/or use permit, the City Council shall impose conditions of approval as deemed necessary and appropriate to mitigate potentially adverse influences or otherwise promote the public health, safety or general welfare. Based on the information provided by the applicant the proposed development will have a sanctuary which comprises of 3% of the total gross floor area, staff has instead analyzed the parking impact by the parking studies submitted by the applicant.

The applicant submitted two (2) parking studies. The first study examined the Dunwoody, GA location and the Nashville, TN location. The second study addressed a location in Buffalo, NY. These studies show the current square footage of the building and a breakdown of the number of people in the building and the number of parking spaces being utilized. The Nashville location has provided 114 spaces for 38,000 square feet. This is a ratio of 3 spaces per 1000 square feet. The Dunwoody location is 11,500 square feet. The study did not indicate the number of provided parking spaces. The Buffalo location is 58,000 square feet and the site does not currently have an exclusive parking area.

The staff determined that the information provide in the parking studies did not adequately address the building at full capacity. The Dunwoody and Buffalo sites did not indicate the parking requirement for those cities. The studies did not show the amount of on-street parking and other modes of transportation provided in their respective locations. The Sandy Springs location does not provide any on-street parking. The site is not in close proximity to a MARTA rail station. The location is accessible by MARTA bus route number 5 Piedmont Road /Sandy Springs. The bus run passed the site every fifteen (15) minutes. Table 1. below compares the three sites and staff's recommendations. Table 2. Analyses the percentage of largest assembly area to the total square footage of the building.

Table 1

| Site | Building Square Footage | Provided Parking | Transit | On-Street Parking |
|------------------------|-------------------------|------------------|------------|-------------------|
| Proposed Sandy Springs | 43,246 | 81 | Bus | None |
| Nashville, TN | 38,000 | 114 | Bus | Not Provided |
| Dunwoody, GA | 11,500 | Not Provided | Bus | None |
| Buffalo, NY | 58,000 | Not Provided | Bus / Rail | Not Provided |
| Staff's Recommendation | 32,053 | 111 | Bus | None |

Prepared by the City of Sandy Springs Department of Community Development for the Planning Commission Meeting August 18, 2009

Table 2

| Parking Ratio | | | | | | |
|---|---|--------|-----------------|-----|-----------------|------|
| | Proposed Sandy Springs | 43,246 | 1,400 | 3% | 81 | 1.87 |
| The Church Scientology Sites | Nashville, TN | 38,000 | 1,782 | 4% | 114 | 3.0 |
| | Dunwoody, GA | 11,500 | 300 | 2% | Not Provided | - |
| | Buffalo, NY | 58,000 | Not provided | - | Not Provided | - |
| | Staff's Recommendation | 32,053 | 1,400 | 4% | 111 | 3.46 |
| Other Sandy Springs Places of Worship | Lutheran Church of the Apostles | 28,322 | 8,770 | 31% | 129 | 4.5 |
| | Dunwoody Community Church | 40,380 | 4,250 | 11% | 174 | 4.3 |
| | Temple Sinai | 64,800 | 3,695 | 6% | 210 | 3.2 |
| | The Matthew Leighton Imerman Chabad Center | 23,238 | 3,500 | 15% | 120 | 5.16 |

The applicant has indicated that the sanctuary does not generate the largest number of people coming to the site. As such the applicant volunteered parking studies to show the parking needs for the proposed use. The parking studies provided by the applicant examined three (3) existing sites, the current location in the City of Dunwoody, Georgia, Nashville, Tennessee and Buffalo, NY. The location in Nashville has similar square footage 38,000 to the proposed 43,246 square feet at the Sandy Springs location. The Nashville location has provided 114 spaces for 38,000 square feet. This is a ratio of 3 spaces per 1000 square feet. According to this calculation the Sandy Springs site at the applicant's request of 43,246 square feet would require one hundred and thirty 130 spaces. Eighty-one (81) spaces would be provided. There would be a deficit of forty-seven (47) parking space under the proposed use. The parking ratio for the proposed site (Table 2. above) is 1.87 spaces per 1,000 square feet. Other places of worship in Sandy Springs have a much higher ratio and closer to the staff's recommendation of 3.46 spaces per 1,000 square feet.

Based on the information provided by the applicant, the proposed request of 43,246 square feet would not meet the level of parking necessary to support the proposed use at full capacity. Therefore, staff concludes that there would be an inadequate amount of parking for the proposed 43,246 square feet. The site at 32,053 square feet would require ninety-seven (97) spaces. The site currently has one hundred and eleven (111) spaces or a ratio of 3.46 spaces per 1,000 square feet. As such the staff recommends restricting the use of the subject property to the existing 32,053 square foot building with the existing one hundred and eleven (111) spaces.

LANDSCAPE PLAN ANALYSIS

The only land disturbance activity will be the installations of the new streetscape along the property's street frontage. There will be minor maintenance work to the building's exterior. The cost of the building renovation does exceed the 40 percent of the property's most recent tax appraisal. Therefore, the applicant is required to install landscape per the overlay district requirements. The streetscape requirement will be addressed at the time of the building permit.

ENVIRONMENTAL SITE ANALYSIS

The Environmental Site Analysis Report is sufficient and satisfies the requirements of the Sandy Springs Zoning Ordinance. The site does not contain any known streams, steep slopes, sensitive plants and/or protected animal species, or archaeological/historical sites. The site is not located within a floodplain.

VARIANCE CONSIDERATIONS

The applicant is requesting three (3) concurrent variance as follows:

1. To allow the existing parking within the required minimum front yard setback and side corner (Section 18.3.1.E, *Parking and Loading Locations*).

The applicant has indicated that this variance is necessary to allow the existing parking to remain in current state to avoid reworking the parking lot.

Section 22.3.1.A -Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance;

The staff is of the opinion that relief from this requirement is in harmony with the intent of the Zoning Ordinance and will not be a detriment to the public as parking currently exists in the front setback. The applicant is proposing to maintain the 15 parking spaces in the front yard setback along Glenridge Drive, which will avoid reworking the existing parking lot. Additionally, the parking will cause no detriment to the public as the parking is on the front of the building behind a privacy wall adjacent to the right-of-way. Therefore, based on these reasons, the staff recommends APPROVAL of this concurrent variance request.

Section 22.3.1.B- The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public;

Staff is of the opinion that the shape of the property and the two street frontages create an extraordinary and exceptional condition pertaining to the property which would create a hardship for the owner of the property. Additionally, the parking will cause no detriment to the public as the parking is on the front of the building behind a privacy wall adjacent to the right-of-way. Therefore, based on these reasons, the staff recommends APPROVAL of this concurrent variance request.

2. To allow the existing building to encroach within the twenty (20) foot side setbacks (Section 8.1.3.C, *Development Standards*)

The applicant has indicated that this variance is necessary to allow the existing building to remain in its current location, which is located five (5) feet from the eastern boundary with the United States Postal Service property.

Section 22.3.1.A -Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance;

The staff is of the opinion that relief from this requirement is in harmony with the intent of the Zoning Ordinance and

Prepared by the City of Sandy Springs Department of Community Development for the Planning Commission Meeting August 18, 2009

that the reduction of the side setback will not have an adverse impact on neighboring or nearby properties. Therefore, based on these reasons, the staff recommends APPROVAL of this concurrent variance request.

Section 22.3.1.B- The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public;

Staff is of the opinion that the shape of the property and the location of the existing building create an extraordinary and exceptional condition pertaining to the property which would create a hardship for the owner of the property. Additionally, the reduction of the side setback will cause no detriment to the public as the building currently exists in the side setback. Therefore, based on these reasons, the staff recommends APPROVAL of this concurrent variance request.

3. To allow the existing sign to encroach into the right-of-way (Section 22.C, Sign Location).

The applicant has indicated that this variance is necessary to allow the church the use of the existing sign structure located on the corner of Roswell Road (SR9) and Glenridge.

Section 22.3.1.A -Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance;

The applicant has provided an updated survey showing the existing sign location to be in compliance with the sign ordinance and that the existing sign will not have an adverse impact on neighboring or nearby properties. Currently the sign does not create a site distance problem. The applicant is aware that the existing sign may have to be removed for future road work. Therefore, based on these reasons, the staff recommends WITHDRAWL of this concurrent variance request.

Section 22.3.1.B- The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public;

Staff is of the opinion that there are no extraordinary and exceptional conditions pertaining to the property which would create a hardship for the owner of the property. Therefore, based on these reasons, the staff recommends WITHDRAWL of this concurrent variance request.

DEPARTMENT COMMENTS

Staff held a Focus Meeting on April 4, 2009 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION

Sandy Springs
Assistant Director of
Building and
Permitting

- There are no building requirements that need to be addressed at this time.

Sandy Springs
Development Plan
Review Engineer

- There are no engineering requirements that need to be addressed at this time.

Sandy Springs
Landscape
Architect/Arborist

- There are no landscape requirements that need to be addressed at this time.

FIRE DEPT.

Sandy Springs Fire
Protection Engineer

- There are no fire requirements that need to be addressed at this time.

TRANSPORTATION

Sandy Springs
Transportation
Planner

- Right-of-way dedication: 55' from centerline of Roswell Road
45' from centerline of Glenridge Drive
- Right-of-way reservation: 55' from centerline of Glenridge Drive

Georgia Department
of Transportation

- There are no GDOT requirements that need to be addressed at this time.

The staff has not received any additional comments from the Fulton County Board of Education. The staff has received additional comments from the Fulton County Emergency Services Department (see attached).

PUBLIC INVOLVEMENT

Required Meetings

The applicant attended the following required meetings:

- Community Zoning Information Meeting held March 24, 2009 at the Sandy Springs City Hall
- Community/Developer Resolution Meeting held April 23, 2009 at the Sandy Springs City Hall

Public Comments

- No overnight stays - *agreed to by applicant*
- No residential use of the property - *agreed to by applicant*
- No Narconon - *agreed to by applicant*
- Installation of sidewalk on Roswell Road and Glenridge Drive - *addressed at time of building permit*
- Parking now and in the future - *inadequate as proposed by the applicant and based on supporting*

documentations

- A cap on capacity- *based on fire code*
- Traffic - *see parking and traffic impact*
- How much larger will the church grow - *the applicant addresses the total proposed use*
- Traffic signal timing on Glenridge Drive- *will be reviewed by public works*
- The City is not able to collect taxes on a church- *true*
- Estimate time of construction *n/a*
- Has the money been raised for the project *n/a*
- Hours of operation - *8:00 am to 11:00 pm per the applicant*

Notice Requirements

The petition was advertised in the Daily Report on May 1, 2009 and May 22, 2009. The applicant posted a sign issued by the Department of Community Development along the frontage of Roswell Road and Glenridge Drive on April 10, 2009.

Public Participation Plan and Report

The applicant has met the Public Participation Plan requirements. The applicant is required to submit the Public Participation Report seven (7) days prior to the Mayor and City Council Hearing on June 16, 2009. The Public Participation Report must be submitted on or before June 9, 2008.

ZONING IMPACT ANALYSIS

Per Article 28.4.1, *Zoning Impact Analysis by the Planning Commission and the Department*, the staff shall make a written record of its investigation and recommendation on each rezoning petition with respect to the following factors:

A. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*

Finding: The staff is of the opinion that the proposed use is suitable in view of the use and development of adjacent and nearby property. The surrounding area consists of office developments to the south, apartments and condominiums to the north, condominiums to the west and the Post Office to the east. The proposal allows for a proper transition between these areas.

B. *Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.*

Finding: The staff is of the opinion that the proposal will not have an adverse impact on the use or usability of adjacent or nearby property because this institutional use is consistent with other office and institutional uses in the vicinity.

C. *Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.*

Finding: The staff is of the opinion that the subject property may have a reasonable economic use as currently zoned because this institutional use is consistent with other office and institutional uses in the area.

D. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools.

Finding: The staff is of the opinion that the proposal as presented does not provide sufficient parking for the use. Specifically, the sanctuary is not proposed to be the largest portion of the building. This lack of parking could cause an excessive or burdensome use of the existing infrastructure.

E. Whether the zoning proposal is in conformity with the policies and intent of the land use plan.

Finding: The staff is of the opinion that the proposed use is consistent with the Future Land Use Map, which designates the property as Live-Work Community (LWC). The applicant is proposing to allow for a church in the existing building with an expansion. The proposed density for the development is 24,671.91 square feet per acre. The LWC land use designation recommends a density of up to 25,000 square feet per acre for commercial and office uses plus over 20 residential units per acre. The proposal lends itself to the overall intent of the LWC designated areas that are intended for to serve a group of adjacent neighborhoods and compatible with low and medium density residential neighborhoods.

F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

Finding: The applicant has indicated that the sanctuary does not generate the largest number of people coming to the proposed church. As such the applicant volunteered parking studies to show the parking needs for the proposed use. The parking studies provided by the applicant examined three (3) existing sites, the current location in the City of Dunwoody, Georgia, Nashville, Tennessee and Buffalo, NY. The location in Nashville has similar square footage 38,000 to the proposed 43,246 square feet at the Sandy Springs location. The Nashville location has provided 114 spaces for 38,000 square feet. This is a ratio of 3 spaces per 1000 square feet. According to this calculation the Sandy Springs site at the applicant's request of 43,246 square feet would require one hundred and thirty 130 spaces. Eighty-one (81) spaces would be provided. There would be a deficit of forty-seven (47) parking space under the proposed use. The parking ratio for the proposed site is 1.87 spaces per 1,000 square feet. Other places of worship in Sandy Springs have a much higher ratio of parking that is closer to the staff's recommendation of 3.46 spaces per 1,000 square feet.

Based on the information provided by the applicant, the proposed request of 43,246 square feet would not meet the level of parking necessary to support the proposed use at full capacity. Therefore, staff concludes that there would be an inadequate amount of parking for the proposed 43,246 square feet. The site at 32,053 square feet would require ninety-seven (97) spaces. The site currently has one hundred and eleven (111) spaces. As such the staff recommends restricting the use of the subject property to the existing 32,053 square foot building with the existing one hundred and eleven (111) spaces.

G. Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of Sandy Springs.

Finding: The staff is of the opinion that the proposal will not permit a use which could be considered environmentally adverse to the natural resources, environment, or citizens of Sandy Springs.

INCLUSION TO FINDINGS

It is the opinion of the staff that the proposed use and density are consistent with the Future Land Use Map and the policies of the Comprehensive Plan. The entire 43,246 square feet could be recommended for approval by staff if the applicant demonstrated that the on-site parking would be sufficient to meet the full use of the proposed building including the expansion through either a parking study or shared-parking analysis. Therefore, based on these reasons, the staff recommends APPROVAL CONDITIONAL of the request to rezone the subject property from O-I (Office and Institutional District) to O-I (Office and Institutional District) conditional and the associated concurrent variances, restricting the expansion of the existing building.

R 000295

STAFF RECOMMENDED CONDITIONS

The staff recommends APPROVAL CONDITIONAL of the rezoning from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District). Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Mayor and City Council.

1. To the owner's agreement to restrict the use of the subject property as follows:

- a. Office and/or Church and associated accessory uses in the existing structure at a density of 18,007.30 square feet per acre or 32,053 square feet, whichever is less.
- b. Limit hours of operation to: 8:00 a.m. to 11:00 p.m.
- c. No overnight stays.
- d. To prohibit any drug, alcohol, substance abuse, chemical dependence, and/or criminal rehabilitation programs.

2. To the owner's agreement to abide by the following:

- a. To the site plan received by the Department of Community Development dated May 5, 2009. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.

3. To the owner's agreement to provide the following site development standards:

- a. Sidewalks will be required at time of building permit, subject to the approval of the Public Works Department.
- b. The owner/developer shall dedicate forty-five (45) feet of right-of-way from centerline of Glenridge Drive along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
- c. The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Roswell Road along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
- d. Reserve for the City of Sandy Springs along the necessary property frontage of the following roadways, prior to the approval of a Land Disturbance permit, sufficient land as necessary to provide for compliance with the Comprehensive Plan. All building setback lines shall be measured from the dedication but at no time shall a building be allowed inside the area of reservation. All required landscape strips and buffers shall straddle the reservation line so that the reservation line bisects the required landscape strip or buffer. At a minimum, 10 feet of the required landscape strip or buffer shall be located outside the area of reservation. All required tree plantings per Article 4.23 shall be placed within the portion of the landscape strip or buffer that lies outside the area of reservation.

Fifty-five (55) feet from centerline of Glenridge Drive

- e. To allow parking within the required minimum front yard setback (CV09-003).
- f. To allow the existing sign to encroach into the right-of-way (CV09-003).
- g. To reduce the twenty (20) foot side setbacks to five (5) feet (CV09-003).

Attachments

Letter of Intent dated received May 5, 2009
Plan dated received May 5, 2009
Letter from Dillard & Galloway dated May 20, 2009
Letter of responds from Nancy Leathers Dated May 26, 2009
Letter from Dillard & Galloway dated July 8, 2009
Letter from Dillard & Galloway dated July 23, 2009
Parking Evaluation dated received June 26, 2009
Parking Evaluation dated received July 15, 2009
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Square footage breakdown of proposed building
Comment Letter from the Department of Transportation dated received April 10, 2009
Comment Letter from the City of Atlanta Department of Watershed Management dated April 10, 2009
Comment Letter from Fulton County Emergency Services Department dated received April 8, 2009
Comment Letter from Fulton County Department of Health and Wellness dated received May 6, 2009
Letters of opposition
Photos of Existing Church of Scientology site

ALTERNATE CONDITIONS

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. The largest assembly area within the building shall not exceed 1,300 square feet.
 - b. Except for a maximum of 4 special events per year, the total occupancy for the building shall be limited to a maximum of 283 persons based on a required parking ratio of one (1) space per every 3.5 persons within the building. Said 283 person occupancy shall be conditioned upon the continuation in full force and effect, in favor of the Property, of that certain Easement Agreement 1, dated May 25, 1988, recorded May 31, 1988 in Deed Book 11571, page 276 official deed records of Fulton County, Georgia by and among the United States Parcel Service and Glenridge Square, Ltd. Any special events which shall exceed the maximum 283 person occupancy, or the building's occupancy as adjusted below, shall be permitted through the City of Sandy Springs Special Event Process to ensure adequate traffic management and parking is provided.
 - c. The occupancy for the building may be increased during the hours of 5:00 p.m. to 11:00 p.m., Monday through Friday, and 8:00 a.m. to 11:00 p.m. on Saturday and Sunday by providing proof of a valid off-site parking lease for parking spaces located within 300 feet of the property. In addition, off-site parking may be provided between 300 feet and 5 miles of the property subject to approval of a transportation plan by the Director of the Department of Community Development. Occupancy for these hours may be increased based on a ratio of 2.5 persons of additional occupancy for every one (1) off-site parking space provided. Proof of valid off-site parking lease(s) shall be provided to the Director of the Department of Community Development prior to exceeding the maximum occupancy and by January 31st of each year thereafter. To be considered valid, the off-site parking lease shall have a minimum thirty (30) day cancellation notice and require that notice of cancellation be provided to the Director of the Department of Community Development. Failure to maintain a current valid lease shall suspend any right to exceed the maximum 283 person occupancy until a new off-site parking lease is provided to the Director of the Department of Community Development meeting the conditions stated herein.
 - d. On or before January 31st of each year, or within 30 days of receiving a request from the Director of the Department of Community Development, the Church shall provide to the Director of the Department of Community Development: (1) a report, signed under oath by an authorized Church official, detailing peak occupancy of the building by month for the preceding year, or such other period as designated by the Director of Community Development, and (2) an affirmation that the Parking Easement remains in full force and effect.
 - e. No overnight stays.
 - f. To prohibit any drug, alcohol, substance abuse, chemical dependence, and/or criminal rehabilitation programs.
2. To the owner's agreement to abide by the following:
 - b. To the site plan received by the Department of Community Development dated May 5, 2009. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein,

compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.

- c. The Church of Scientology shall provide a letter, approved by the governing authority of the Church of Scientology and signed by an authorized officer of the Church, acknowledging that because of the unique build out of the Church at 5395 Roswell Road, and the fact that the number of parking spaces dedicated to the building's use is limited to 81 spaces: 1) the value and/or the ability to resell the building may be substantially affected by this rezoning; and 2) that use of the building for general office, another church, or other purposes inconsistent with terms and requirements of this zoning action, shall require rezoning with such rezoning to include but not be limited to the demonstration of compliance with parking requirements for the proposed use.
- d. Within 30 days of approval of the rezoning and variance requests to allow the Church's use at 43,916 square feet with 81 parking spaces, the Church of Scientology agrees to file a protective covenant in favor of the City of Sandy Springs, Georgia, which shall be placed on the deed records of Fulton County, Georgia, that upon sale of the property, any future purchaser acknowledges:
 - i. That the building has been designed, constructed and previously used as a general office building and the terms of the proposed use by the Church of Scientology, specifically the reduced parking ratios, cause the property to be out of conformity with the required parking ratios for general office under the City of Sandy Springs Zoning Ordinance;
 - ii. That the future purchaser does not have any vested right to utilize the parking ratio approved for the Church of Scientology by the City of Sandy Springs' zoning action, and upon change of use, shall, in addition to all other City of Sandy Springs, Georgia zoning requirements then existing, be required to demonstrate compliance with the then existing parking requirements for purchaser's proposed use or obtain a variance, rezoning, or other approval of its proposed parking ratio as required by the City of Sandy Springs, Georgia; and
 - iii. Failure to demonstrate compliance with the then existing parking requirements may require demolition and reconstruction of all or a portion of the lower enclosed area of the building and construction of the area for use as parking prior to the occupancy and use of the property.

3. To the owner's agreement to provide the following site development standards:

- a. Renovation and build-out of the building shall be subject to plan review by the Department of Community Development to ensure, within the reasonable discretion of the Director of Community Development, that the build out shall minimize structural modifications of the building which would prevent or significantly increase the cost of restoration of the basement for future parking use.
- b. Sidewalks will be required at time of building permit, subject to the approval of the Public Works Department.
- c. The owner/developer shall dedicate forty-five (45) feet of right-of-way from centerline of Glenridge Drive along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
- d. The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Roswell Road along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
- e. Reserve for the City of Sandy Springs along the necessary property frontage of the following roadways, prior to the approval of a Land Disturbance permit, sufficient land as necessary to provide for compliance with the Comprehensive Plan. All building setback lines shall be measured

Prepared by the City of Sandy Springs Department of Community Development for the Planning Commission Meeting September 17, 2009

from the dedication but at no time shall a building be allowed inside the area of reservation. All required landscape strips and buffers shall straddle the reservation line so that the reservation line bisects the required landscape strip or buffer. At a minimum, 10 feet of the required landscape strip or buffer shall be located outside the area of reservation. All required tree plantings per Article 4.23 shall be placed within the portion of the landscape strip or buffer that lies outside the area of reservation.

Fifty-five (55) feet from centerline of Glenridge Drive

- f. To allow parking within the required minimum front yard setback (CV09-003).
- g. To allow the existing sign to encroach into the right-of-way (CV09-003).
- h. To reduce the twenty (20) foot side setbacks to five (5) feet (CV09-003).

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Letters of opposition
211 petition of opposition (all petitions are on file)
Photos of Existing Church of Scientology site